

A
FRIENDLY ADMONITION
TO
Gentlemen in the COMMISSION
of the PEACE.

OR,

An *Account* of some late extraordinary Proceedings of a couple of *Westminster Justices* against a Gentleman, for standing the Friend of an *innocent* Person committed to the *Gate-House*, on Suspicion of *Felony*; For the *Benefit* of the Subject, faithfully and truly stated, with large *Observations* thereon, on the Duty of a *Justice of Peace*, on *Goals*, and on the *State* of the *Law*, in general. With some *Reflections* on our present *political* and *religious* Disputes.

In a humble Representation to a NOBLE LORD.

Quid Domini faciant audent cum Talia Fures? Virg.

By the Statute of Edward 3. Justices of Peace must be good Men and Lawful. No Maintainers of Evil, but moderate in the Execution of the Law. For Magistrates are Men, and Men have always attending on them two Ministers, Libido et Iracundia. Men of this Nature do SUBJUGATE the free Subject. Clerks can do much, Children more, and Wives most. —OLD MAIDS not a little.

Mr. Bond's Speech in Parliament,

Townsend's Collections, p. 275.

Let not your GOOD be Evil Spoken of. Rom. 14. 16.

THE SECOND EDITION.

L O N D O N :

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P R E F A C E.



Y *Title-Page* is so *crowded*, and my *Book* so *full*, that if there was not a *Necessity* of *joining* them together, this *Preface* had been *ipared*.

The *Reader* will be pleased then to understand; That I have made my acquainting the *PUBLICK* with this *remarkable Case*, a *CANAL* to convey to my *Fellow-Subjects* some other *Sentiments* I have, of late, intended them, on *Matters* that, like it, relate to their *Peace*, *Welfare*, and *Happiness*, both as *Men*, and as *Englishmen*.

Observations, in my Opinion, of Importance (or else, I am sure, I would not have troubled the World with them) relating to an extravagant Abuse of Power, of several, of no mean Character, in the Commission of Peace, are the HIGH ROAD in which the Reader will travel: *Observations* on the State of the Law, in general, and on the Practice of it, (a) (which I desire I may always be supposed to refer to, only, when I speak of the Administration of the Law, for no Man exceeds me in Veneration for our present Sett of Judges) on the cruel State of our Goals (b), on Affidavits (c), on Old Maids (d), on the Use of Young ones (e), on a Spinster petty Sessions (f), on a Vestry petty Sessions (g), on the Praise of Sir JOHN GONSON (h), on Matrimony (i), and, finally, on the present Controversy on foot, be-

(a) p. 23.

(b) p. 85. 116.

(c) p. 66.

(d) p. 62.

(e) p. 123.

(f) p. 42.

(g) p. 60.

(h) p. 74. 132.
Et passim.

(i) p. 126. 64.

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between the two next-Door Neighbours in *Arlington-street*, on account of their *different* Systems of *Politics* (*k*) ; and, to conclude, *some* ^{(*l*) p. 95. &c.} *serious Sentiments* on *natural* and *reveal'd Religion* (*l*), THESE are ^{(*l*) p. 140. &c.} the different PROSPECTS which will *rise*, and *offer themselves* to my Reader, as he *journeys* along through my *Book*. How I have brought them all into *View*, for his instructive Entertainment, without forcing Nature, will be seen, and, I humbly hope, approved, by my *reading* Reader. As for my *unreading* one, he is out of the Question, and needs not be *told*. The more surprizingly, and yet naturally, the different *Scenes* shall display themselves, the greater, I hope, will be thought my *Address*, in bringing them *together*.

The first 27 *Pages* were *writ*,
and great Part of them *printed*,
when

when I had nothing left me, but to make the most *quick* and publick *Appeal* possible from the *High Injustice* done me, to prevent a *Report* going abroad, 'That I was 'the *Receiver* of a *Bank Note* of '440*l.* Value, or from being 'actually committed on Suspicion 'of it.' The *Party* whom I had befriended, was still in *Prison*, and a *Warrant* out against me, really, to enquire into my *Partnership* with her, tho' it bore *Title* only for *affronting* the *Justice*. The absolute *Necessity* there was for me, when *THIS* was the *Case*, to be very *particular*, will, I am afraid, now appear *tedious*; but a *discerning* Reader will make *Allowance* for it. There is not a *Word* but what is *True* in the *Case*, nor a *Fact* asserted which I have not full *Proof* to maintain. The executing this *Warrant* on me, by the *Knight* and

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and his *Brother*, and that in so scandalous a *manner*, (o) AFTER the^(*) PAGE 34
most honourable *Release* of the *committed Party* (in order to make an *Example* of one, who should dare to dispute a *Commitment* with them, (for what else could have given Occasion to it?) And for, *honestly*, telling one of them to his Face, That he had done what he could not *justify*,) absolutely determined me to pass the *Rubicon*, and to make *Examples* of them, in my Turn. I am an *Englishman*, I thank God, and I have the *Spirit* of one.

I have taken my own Time to give this *Story* to the Town, when it would be *most* likely to do *most* good. And I have made it as useful as I could by the *Reflections* I have added to it. To the *Facts* in it, I have spoke already. As to the *Reasonings*, I desire they may be

be considered as *Those* of a Gentleman, and a Christian, not of a Lawyer, or a Divine. The former of these two last Characters, I never pretended to, and the latter, I am at a great Distance from deserv-
ing. I have been too desirous to please in *Thought*, to have had time to observe, as I ought, my *Words*. Perspicuity is all I pretend to, on that Head. I have pay'd the Compliment to my Reader of supposing him able to correct, and willing to pass by a few *Errata* of the Press. On the Whole, I hope the Goodness of my *Intention* towards the *Publick*, will procure me a favourable Reception. I am, with great Esteem, the candid and impartial Readers

Jan. 23.
1719.

Obedient, faithful



humble Servant,

Robert Whatley.



My LORD,

Saturday,

Nov. 2. 1728.



WHAT ÉVER Opportunity I might justly pretend to the Honour of, to lay the *following Case* before your Lordship, *in private*, from the long and particular Acquaintance You have favour'd me with, yet as it is a Matter of Justice, and of great Moment, I choose to address you humbly in this publick manner. Your Lordship will be pleas'd to forgive this Freedom, for the Sake of the Reason that has influenc'd me to take it, which is only a Principle of Love for Justice, and a hearty Detestation of all Iniquity and Injustice whatsoever, and in *whomsoever*. Of which, my Lord, I shall in the Sequel hereof give
A your

your Lordship and the World a very great and (the more the Pity) a very uncommon Instance. My own Right, and the Right of every *Englishman*, is concern'd; for which Reason I boldly, tho' humbly, bespeak your Lordship's Attention.

I am, in some Respects, sorry I have to deal with a Gentleman who has been so long in the *Commission of Peace*, as I have, since my *Difference* with him, been inform'd he has been. But I desire all Respect of *Persons* may be laid aside, (as I am sure it will be by Your Lordship,) as in Matters of Justice especially it ought, and the *Question* only consider'd, whether I am in the right or his *Worship*.

The *Question* between Us is only This, *WHETHER* a Friend to a Person committed for Suspicion of *Felony* has a Right to demand (of the committing Justice) a Sight of the Examinations, on which the Suspicion was founded? And on being denied them, Whether he has not a Right to insist, on being informed some way or other, of the Grounds of the Suspicion, before he offers to get Bail for the committed Person? If I have been in the right, my Lord, to demand this, in the Case in Question, before I would look after Bail for the committed Person, then I am in the right in the Sequel; and a *Justice of Peace* extremely in the wrong. In the right, I say, bating only a little Expression of Passion, which as the Case was, tho' perhaps impru-

prudent, was no ways criminal, and for *one Fit* of which I have made Reparation, which was accepted; and for *the other Fit*, of which I had, God knows, but too much Reason neither to make Apology, nor to accept of an easy *Reconciliation*.

After thus stating the Case in short, I come to relate my Story.

Thursday Night last, as I was in my Study thinking of other Matters, a Man came to acquaint me, to my no small Surprise, "That a young Woman was a Prisoner in the Gate-House, and who desired to speak with me." This young Woman I found to be one that had been my Servant a Year and a Quarter, and whom I had dismiss'd from my Service, about as long ago, because she had not those Qualifications that my Wife then wanted in a Servant. To comfort her on the Unwillingness she express'd to leave our Service, and as she had then but few or no Friends in Town, and not even speaking *English* perfectly, being a *Welsh* Woman, and as we had both of us a great Opinion of her Honesty, I told her, "her Mistress should recommend her at any Time she should have Occasion for a Recommendation, and that when she was out of Place" (a Circumstance that attends Servants, more fatal to their Manners, and which more occasions that general Corruption there is at present among them than any Thing,) "she should always be welcome to come and make our Dwell-

“ing her Home, till she had one; ” and which Favour she has made use of as there has been Occasion. I did this as God knows, out of great Compassion, and out of Regard to the great Opinion both my self and Wife had of her great Honesty, and of the Creditableness of her Friends in the Country; for whom I had conceiv'd some Respect, from what I could discover of their Character, from the Letters they sent to the poor Maid, which always passed thro' my Hands, and were such as she receiv'd in answer to those I writ for her; she not being able either to write or read, having had a *Welsh* Education only, tho' her Friends are of some Substance. This *young Woman* I found in the *Gate-house*, committed for Suspicion of *Felony*. On the seeing me, she fell into great Concern and Disorder; and I to comfort her, taking her by the Hand, said, “ Dear Child, or dear *Betty*, don't be concern'd, many honest Persons have been “ in your Circumstances, and had her not “ be frightened at the Matter.” (*I mention this Circumstance for the use that was made of it afterward.*) One of the Turnkeys ask'd me, “ Whether I would not see “ the Copy of the Commitment ? ” Which I “ said I would.” On that the *Scribe* of the Prison fetcht out Paper and Ink, and sat down to copy it. As he was about to begin to copy it, he told me “ he must “ have 16d for doing it; ” and being willing to spare the unhappy Woman as much
Money

Money as I could, I recollected that I had no Occasion to be at that Charge; that knowing for what she was committed, a Copy of her Commitment was not at all necessary till I would procure *Bail* for her; which being unwilling to do till I had inform'd my self of the *Reasons* for the *Suspicion*, I immediately went to the Justice that committed her, to inform my self of *them*. I acquainted him, " that I waited on him " on account of a poor young Woman that " had been once my Servant, whom he " had an Hour before committed on " *Suspicion* of *Felony*: " That I came " as her *Friend* to see what was al- " ledg'd against her, that I might know " what I had to do in the Matter. " He made me answer, " that she was only com- " mitted for *Suspicion* of *Felony*, and that if " I would *find Bail*, he would bail her im- " mediately. " To which I replied, that " altho' she had been my Servant a Year " and half ago, and had liv'd with me a Year " and more, *behaving herself very honestly*, and " had gain'd a good Character where ever " she had liv'd since as to that Point; yet as " the honestest Person in the World Yester- " day might become a Rogue to Day, as " much as I was disposed to do her what " Kindness lay in my Power by freeing her " from her Confinement, I would not offer " at it till I understood what *Degree of Suspi- cion* she lay under, and therefore desired " him, in a very civil Manner, to let me know what

what *Inducement* he had to commit her. " At that the old Gentleman fell into a Passion, and ask'd me if I came to *EXAMINE* him ? " No, Sir, says I, I do not ; but, " Sir, you know there are Degrees of Suspicion, and I think it necessary to know, " what Degree of Suspicion there lies against this unhappy Creature, by seeing " the Examination, or hearing from your " self what was said against her. " He told me thereon " That she was committed " *on Suspicion of stealing from one of her Mistresses, (for they are two Sisters she liv'd with,) a Bank Note of no less Value than 440l. and Ten Pound in Money.* " I replied to this: " The greater the Accusation was, the " clearer ought the Evidence to be for suspecting her. " And I desired him to tell me, " What Reason there was to *suspect* " her. " He then said, " That *one of her Mistresses* had sworn, that she had *lost such a Bill, and such a Sum of Money, and she did not know who should take it but the Maid:* " But " Sir, said I, did she give you no other Reason for suspecting her, only this, " that she did not know who should do it but her Maid ? Did she tell you when she last knew " *this Bank Note was in the Place from whence she lost it ? or did you ask her that ?* — This Question I ask'd as a leading One to others that I was going to ask, in order to inform my self of the Reasons there was to suspect her having taken it: But on the old Gentleman's seeming at some Loss, and
 own-

owning he had ask'd no such *Question*, and giving me no other *Reason* for his committing her, but that her *Mistress* swore she had lost it, and BELIEV'D she had taken it, and because the unhappy Creature had no Body to speak for her. — I own, my Lord, be-

ing naturally warm, my Passion and Indignation at such an irregular Execution, as I humbly apprehend this to be, of so great and beneficial a Trust to the Subject, as that of a *Justice of Peace*, calculated as well to protect the innocent as to punish the guilty, join'd to a great Opinion of the Girls staunch Virtue in all Respects, and to the Knowledge I had of the Peevishness, Illnature, Whimsicalness, and Spite of the two old Maids her Mistresses, which I had heard of by several that knew them before this Accident happen'd. —

I say, all these Considerations operating in a warm compassionate Temper together, made me rise up in some Emotion, and tell the old Gentleman, " I feared he had done what he could not answer, in committing a Person on *Suspicion*, when no just Reason for this Suspicion was laid before him, but what might as well be laid before him of the honestest Person alive. "

While I was speaking this, and the old Gentleman answering me, with equal warmth, who should rush into the Parlour, as if he was a particular Acquaintance of his *Worship's*, but the *Taylor's Scribe*, with a Copy of the Commitment in his

his Hand ? And addressing himself, without any Ceremony, to the old Gentleman, as if there had been an Understanding between them, (which might be very well supposed by me, to whom the Justices and the *Scribe's Character* were equally known,) " Sir, " says he, I have brought a Copy of the " Commitment, should not the Gentleman " have it ? " I, that was never before a Justice of Peace in my Life, before, in the Way of his Office, and had heard *Stories* of such Creatures as *trading Justices*, whether *Chimeras* or no ; I appeal to any one, whether on this new Appearance, I might not well have a new Emotion ? However, as great as it was, it went no further than to upbraid him with greater warmth for having done an irregular Thing.

During this Audience, and before the high *Words* began, he had asked me my Name : I told him, " He should know it ; " but beg'd leave to tell him *First*, what was of more Consequence in the present Case, to whom I had the Honour to be known, naming some Gentlemen of *Westminster*, that were in my Neighbourhood, as General *Tatton*, the Bishop of *Peterborough*, Captain *Savile* ; and the Bishop of *Bath and Wells*, near him ; concluding with your Lordship's Great Name ; the mentioning which, at least I thought should cause him to hear me with some favour, adding thereto my own Name.

On our Passion on both Sides encreasing, an End was put to our Conversation, and so I left

left him; telling him, *That he had done what he could not answer, in refusing to let me see the Examinations, or to acquaint me with the Reasons, if he had any, for suspecting her, (as I came with an Intention to get Bail for her,) or that if he had neither taken Examinations, nor had any Reasons for what he had done, in committing her.*

This is what passed with his Worship *Thursday Night.*

On the Representation of some Gentlemen in the *Commission* of Peace, of my Acquaintance, whom I consulted that Evening, I waited on Mr. R—— the next Morning; and in a decent Gentlemanlike Manner, express'd a great Concern for the Heat I had been in over-Night, and ask'd in as handsome a Manner as I could, his Pardon for it: Telling him, "That had I known his Character, I should have guarded against any Passion;" saying, however, afterwards, "That as he was an utter Stranger to me as well as I to him, I tho't I must be allowed to have had some Occasion given me to be provoked, at seeing a poor Person, whom I had the highest Reason to think well of, committed with so little Reason as had appeared to me, together with the natural Suspicion and Jealousy which the *Faylor's Scribe's* breaking so freely in among us, ought to have given me of a wrong Understanding," (such as I had heard spoken of in the World in general) being between them. "That hearing how long he had been in the Commission, and

" what a worthy Character he had among
 " his Brethren, I was extremely concern'd at
 " what had passed, and was sorry I had not
 " known him before I waited on him, that I
 " might have prevented the Indecency of
 " my Resentment : " I address'd the old
 Gentleman, my Lord, in this Manner, not
 without Effect ; He received my Excuses
 with as much good Manners as they were
 made ; telling me, " That he had indeed
 " been highly offended with my Passion,
 " — That he thought me in Liquor, but
 " that he never was so offended, but that
 " he was ready to pardon. "

And here ends the first *Act* of this Tra-
 gicomedie, between us. But there follows it
 a *New Scene*, which I hope your Lordship
 will not think beneath your Attention.

When Matters were made thus easy be-
 tween us ; and to which, by the Satisfaction
 made and taken, there ought to be no Re-
 trospect ; the Point that came under Con-
 sideration was ; *What was to be done, or*
what I desired to be done ? " I told him I
 " understood, that if he pleas'd, he might
 " send for the Prisoner and her Accuser,
 " before him again ; and (one Reason of
 " his committing her, being by his own
 " Acknowledgement, *because she had no*
 " *Body to speak for her,*) to admit her
 " Friends to come before him, and to give
 " some Account of her Character ; and that
 " likewise, in their Presence, her Mistress
 " be examin'd, what Reason she had to
 sus.

" suspect her. I was likewise informed, I told
 " him, That he might have to his Assist-
 " ance two of his Brethren, one or both of
 " which he should name himself; or if he
 " pleased, I would name one, and he the
 " other. Adding, that I was only desirous,
 " that Justice might be done, and the Law
 " take Place. Tho' I trusted she was inno-
 " cent, yet I was very indifferent as to the
 " Event; God forbid, but what the Law
 " should take Place if she was justly suspec-
 " ted; but that God forbid she should suffer
 " the Ignominy of an Imprisonment, with-
 " out the least Colour of Reason: That how-
 " ever ready he was to bail her, I would not
 " offer to assist her in that way, before I knew
 " what was the Ground of the Suspicion
 " against her; and that I would not do it for
 " a Brother in the like Case, without inform-
 " ing my self of the Reason of the Suspi-
 " cion against him."

This drew on the Question of naming
 the Justices, *Who we would have?* And
 I telling him, " That I knew several of
 " them, and naming first Sir JOHN
 " GONSON, the Deputy Chairman, he
 " said; " He desired HE might be of his
 " naming." With all my Heart, said I, and
 " let Captain SAVILE be of mine: " This
 being agreed on, the old Gentleman
 said, " That he believed Sir JOHN
 " might be this Morning at a Coffee-House
 " in the Neighbourhood." Thither we
 went in mutual Harmony; but Sir JOHN

not being there, he said; "He would
 "go and talk with the young Woman's
 "Mistresses; and if they would consent, he
 "would discharge her on her Recogni-
 "zance himself, and I was to meet him
 "at his own House at Eleven a-Clock. "
 At Eleven a-Clock I found him return'd
 home, when he told me, "That the Ladies,
 "before they would determine themselves
 "in the Matter, would first consult with
 "Counsel, and that he could do nothing
 "before he heard from them." At which
 I began to be some what moy'd, and
 ask'd him: "If such an experienc'd
 "Person as himself, had Occasion to act
 "by Counsel's Opinion, in a Matter of such
 "a Nature, or stood in need of it, to know
 "what he had to do?" On this I told him,
 "I would go and see what I could
 "do with the Ladies my self; with one
 "of which I had some Conversation as I
 "went to enquire for a Friend, the Cha-
 "racter of a Servant-Maid that had for-
 "merly liv'd with them, (and to whom
 "she gave, for *constitutional* Reasons I sup-
 "pose) a very contrary Character to what
 "the Servant then actually deserved." But
 when I came to their Door, one of them
 said to me out of Window, "Sir,
 "I don't *know* You, You don't *know* Me,
 "You a Stranger to Me, I a Stranger to
 "You; and you shan't come in: Returning
 to the Justice's, we came to another Agree-
 ment, which I offer'd, *viz.* That I should
 go

go to the *Temple* for Sir JOHN GONSON, and to get him to come to his Worship's House that Afternoon. Accordingly, I took Water immediately, and found neither him nor his Servant at home; but a Paper of his Servant's stuck in the Door, intimating, That he, (his Servant) would be there at Five. It was about Noon when I was there. On which, I immediately returned to Mr. R——; and acquainting him with it, desired, " Since Sir JOHN GONSON " was not at home, nor likely to be met " with, he would be pleased to name any " *other Justice* in his Place, or any *Two*; " for all that I desired, was, That the " Ground of the Suspicion might be further " enquired into as he had agreed, and that the " young Woman might be at Liberty to " give that Account of her self, as she might " have done on her Examination, before " her Commitment, had she not been con- " founded at the Accident." As well she might, considering the surprizing Manner on which she was brought before his Worship, and so neglected her Opportunity. " For I told him, I could bring every one that knew her in Town, to " speak in Behalf of her Honesty. " No, " He would not do this, he would have " the Assistance of no Body; nor make " any further enquiry into the Matter, " *but with Sir JOHN GONSON.* " That the poor young Woman should lye in Prison for want of Sir JOHN GONSON, when

when so many of His Majesty's Justices of Peace were in the Neighbourhood, of which he had his Choice, neither in Honesty nor Sense Sir JOHN's Inferiours, I thought so very unreasonable, That I exprels'd with some warmth, my Resentment at it, as I think I had Reason. On this, the old Gentleman was pleas'd to proceed somewhat further with me than yet he had done, by saying; " That he had heard from the " Ladies, That I was the ONLY Person that ever came to her at their House; " and from that and my so warmly interposing on her Behalf, *he was not without Reason to suspect my being concerned with* " her in the Matter; and that moreover, " he had been advis'd, " *(by his Spinster Court of Assistants no doubt)* to secure " me: That he had heard I had made a " Riot in the Goal the Evening before, and " that I ought to be confin'd for that, and my insulting him in the Execution of his Office. " (As to the Article of the Goal, and what pass'd there, I shall speak to it, and of other Matters relating thereto, in another Place by it self.) I was very glad to hear no Body had come to her but my self; for nor having seen her for Six or Seven Weeks, I thought this was a great Confirmation of her Innocence. I told him, " Her Mistress knew " very well what drew me to call on her; " That it was to leave her a Letter, as it " occasionally came to me for her, as I pass
by,

" by, which once or twice I had read to her
 " Mistress, when I brought it." This I
 said to the old Gentleman, and said it in
 vain, since he was pleased to continue
 his impudent Insinuation.

And here, my Lord, pardon Me I be-
 seech You, let every Gentleman pardon
 Me, every Christian, nay, every good
 Christian pardon my expressing, on this
diabolical Construction of an Action, which I
 told him, God and my own Conscience
 knew, that I had undertaken out of pure
 regard to my Duty, as a Man and as a
 Christian, (quicken'd thereto by a very great
 Tenderness and Compassion of Nature,)
 to interpose the best I could in the
 Behalf of one I thought unjustly impris-
 oned, that had fled for Refuge to me,
 under the Sense of her Innocency, and
 who had no other Person to have re-
 course to, that knew the World, or how
 to act for her. ——— Let me, I say, have
 pardon, if I could be no longer mas-
 ter of my self; not however, to say any
 injurious Words to him, but to express the
 utmost Contempt of him, and setting him
 at the greatest Defiance. I was not how-
 ever, all at once, so much transported, but I
 put the Case to him, *If his own Maid-
 Servant, that stood near him, should after liv-
 ing with him some time, leave him with an
 honest Character, and should happen so fall in-
 to the like Misfortune; whether he would not, on
 her desiring him to assist her in the like Case,*
 act

act the like Part I had done for mine?
 Neither this, nor any thing else I could say,
 would move him: But he fairly ordered
 his Servant to turn me out of Door, which
 he opening, I went out, and left him with a
 great Degree of Resentment on both Sides;
 and on mine with as just an Indignation,
 as I think, any Occasion could give a Man.

When I came home in the Evening, I
 was told, one *Drew* had been to enquire
 after me, *with another Person*. Not know-
 ing any one of that Name, I was at a great
 Loss who it should be; little thinking who
 they were, or what their Errant might be;
 tho' I understood next Day, to my no
 small Surprize, nor I believe to the less Sur-
 prize of your Lordship, or of any that shall
 come to understand it. However, from a
 Contempt of what the old Gentleman
 had said in the Evening growing cool;
 I resolved with myself, to try once
 more to compose Matters in an ami-
 cable way, if possible; and there-
 fore, on *Saturday* Morning at Nine of
 Clock, went to look after Sir JOHN
 G O N S O N, in order to do that. *Saturday*
Morning, which I could not have done
 without him the Day before: But I was
 told he was gone out of Town that Mor-
 ning early. I little thought that this *Wor-*
shipful Knight had *the Afternoon* before sent;
 (after I had been twice to look after him
 the same Day,) and was that very Instant
 as near as I can guess, *sending* a Constable
 with a *Warrant* to take me up, as I was at
 his

his Lodgings in *Covent-Garden* enquiring for him; but *this* your Lordship will find, immediately, to have been the Case. On missing of him, and hearing he was gone out of Town, I resolv'd I would wait the old Gentleman's Pleasure no longer, but consulted an able Friend or two, what was to be done in the Matter. They both concurr'd in censuring me for my Passion; but commending me for the Care I had taken of a poor unhappy Creature, that I had so much Reason to think innocent, told me, " That in
 " demanding to know the Reasons of his
 " Suspicion for committing her, before I
 " would provide Bail for her, I had acted a
 " prudent and a considerate Part, and that
 " no *Justice of Peace*, who knew his Duty,
 " or had not done a Thing he could not
 " justify, would or ought to have refused;
 " to have given me some Light into the
 " Matter, as I came in behalf of the Prisoner
 " to him," One of them, who was more
 particularly my Friend, and in whose Judgment, tho' no acting Justice, I had good Reason to rely, advised me, on Sir *John Gouson's* being out of Town, " To acquaint the
 " old Gentleman with it by a Letter; to
 " avoid all further Heat, and to insist on
 " his taking some other Assistance, (since
 " he had agreed to re-examine the Matter)
 " on Sir *John's* Absence; and if refused it,
 " to lay the Case before a Judge; since it
 " was highly unreasonable to think Justice
 " could not be done where Sir *John Gouson*

" was not present; or that there should
 " be a Delay of it through his Absence."
 Concluding, " That it must be a great Dis-
 " honour to the *Commission*, if none were to
 " be found, *equal* in Knowledge and Ho-
 " nesty to him, in it." And I think very
 truly.

On this I sent Mr. R—— the following
 Letter.

SIR,

Nov. 1. at Noon.

" HAVING acquainted One (whom
 " without offending you I can call
 " your *Superiour*;) with what has passed be-
 " tween you and my self in Relation to the
 " *Commitment* of the poor Servant Maid; I
 " am told, I have a *Right* to enquire into the
 " *Reasons* of the *Commitment*, and to demand
 " a Sight of the Examinations, in order
 " to inform myself of the *Weight* of the
 " Suspicion of Felony, for which she is
 " committed. It being highly unreasonable
 " to offer at giving Bail for any one before
 " this is done. When I see on what Ground
 " you have committed her, and find no
 " Reason to think her culpable, I am
 " ready to get *Bail* for her."

" I have likewise not fail'd to acquaint
 " the same great Person with whar has pas-
 " sed between us. Who at the same Time,
 " as he told me, " I ought not have been in
 " a *Passion*;" said, " That you ought to
 " have prevented my being so, by shewing
 " me the Examinations?"

" I have likewise told him, your pre-
 " tending to *suspect me*, for interposing in
 " a Christian Manner, for the Sake of one
 " I have so much Reason to think honest.
 " *This*, Sir, tho' *you* know how true, he
 " could hardly believe of you. I shall
 " leave *this* to an after-Consideration; and
 " in the mean time, desire your *Answer* to
 " my *demanding* a Sight of the *Examinati-*
 " *ons*, (if you have any) if not, some bet-
 " ter Account than I have yet had, of the
 " *Reasons* of your Suspicion of her being
 " guilty of the *Felony*, for which she stands
 " committed.

Your humble Servant.

" The Bearer will bring me your Answer.
 " Sir *John Gonsen* is gone out of Town.

My Messenger brought me back this
 Word, " That I should have his Answer
 " in his owntime." Hearing this, I sent the
 Messenger back again, to tell him, " That
 " I could not stay, but that I desired the
 " Bearer might bring me his Answer."
 To which I had Word brought me back,
 " He would send me none." On this, be-
 ing willing to try every thing before I
 would do what I intended, I went to his
 House my self, and finding him not
 at home, was told, he was at Mr.
Drew's his Clerk, (an Undertaker by Profes-
 sion,) and not meeting with him there, nor
 his Clerk at home; I enquired, " Where
 " *Drew* was himself, and being directed

to him, I found him. This Clerk of his was the Mr. *Drew*, who had been the Evening before with *another Man* to wait on me. And asking him, "Whether he was not so," he told me, "He was." And, "That he had been that Morning at my House to enquire after me again." I told him, "I was sorry I was not at home; for I supposed, he had brought a Message to me from his Master, desiring him to inform me where his Master was." "He did not know where he was." I desired then to know his Errand to me, which was, my Lord, *nothing less than to take me up, by Virtue of a Warrant from Sir JOHN GONSON.*

On understanding this, I dropt at once all Considerations of my Affair with old R——, being struck with Amazement, that one that had known me so long as Sir *John Gonson* had, and knew very well that I had the Honour to be particularly known to your Lordship, as well as to be a Gentleman as *well known*, and I hope, I may say without Vanity, (so far as it may be allowed me to guess, by the many honourable Persons of all Ranks, that are pleased to countenance me with their Favour,) as *well esteemed* as most Gentlemen of my Character and Fortune in Town; — struck, I say, with Amazement, that a Gentleman so well known to me, and to whom I was so well known, and who had but two or three Weeks before, made me a Present of one

one of his *Learned, Loyal, Ingenious, Excellent, Useful, Elegant, Judicious, Religious, Charges*, should be so br--t--l, as to send a *Warrant* for me, whom, as I say, he had so long known, and who, as he must unquestionably have been told, had been twice that *very Day* to look after his worshipful Presence, and who had nothing more at Heart than to find him. I am sensible, I ought not to have put his presenting me with his *Charge*, into the Reasons for not expecting this ungentlemanlike, *inhumane Affront* from him, nor ought I to think it at all inconsistent with his sending a *Warrant* for me, when he could not but know the *least Intimation*, or *civil Message*, had been sufficient. *Pride and Vanity*, the essential Constituents of a *F O P*, are near a-kin, and always go together. The *last* of which, unquestionably made him give me his *Charge*, and the *first*, send me his *Warrant*.

When I first heard of the *actual Warrant* being out against me, I said to the *undertaking Clerk*, "Why, then for ought I see, "I am like to go to the *Gatehouse* too?" Yes, Sir, "If you had been found you had, "unless you could have got Bail." Which I would not have done, I assure you, Sir. "Why then, Sir, says he, to the *Gatehouse*, "you must have gone." "But pray, Sir, said I, "What was this *Warrant* for?" "Why, it was under Sir *John Gonson's* own "Hand, to bring me before him to "answer for insulting Mr. R-----, in the

" the Execution of *his* Officer. " It is very
 " well, said I, it is not for being con-
 " cerned in the *Felony*, as your Master was
 " pleased to insinuate. " He believed, he
 said, (*with as significant an Air*, as he
 could put on, at which indeed the Fel-
 low seems to be excellent,) " That that
 " Matter would however, be enquired into,
 " and he did not *know* but there might be
 " Ground for it. " — I was indeed in
 good hopes the *Warrant* had been for the
higher Matter. For, my Lord, I desire no
 greater Honour nor Happiness in this
 World, than, without bringing it on my
 self by any Imprudence, to suffer for
Righteousness's Sake; knowing the *Wages*
 for it, when they fall so in a Man's Way,
 are worth the *earning*.

But whatever the *Matter* of the *Warrant*
 was, it was not *now* it seems to be execu-
 ted, because the *Worshipful Knight* who gran-
 ted it was not in the Way, being gone out
 of Town, and would not be in the Way
 till *Tuesday*; next, when, he at *Nine*
 in the Morning, was to be at *Alice's*
Coffee-house; " Where, if I would give him
 " my Word to appear, he would take it."
 Adding, " That the Matter would be laid
 " before your Lordship, *this Afternoon*."

Seeing the Matter brought thus far, the
 poor suspected *Creature* still under *Confinement*, and a *Warrant* out against me, that
 might in the End, not unreasonably, bring
 a Rumour of a Suspicion on my self of be-
 ing

ing *her Accomplice*, I began to drop all Thoughts of the Injustice I had by this time, from almost Conviction, found had been done to *her*, to take Care that no real Injury befell *my self*. I have liv'd, my Lord, to see, the more is the Pity, that *outward Probity*, however signal the Appearance of it, has been no *infallible Proof* of *inward Honesty*; and seeing no Reason why I should be in the World's Opinion exempted, (however honest I know my self to be, or was thought to be,) from a *Possibility* of being deem'd to be no better at the Bottom than others under the like Character; I grew very serious, and saw there was required greater Circumspection than ordinary to prevent any ill Consequence befalling me. And the first Thing I did, (he having shew'd me the *Warrant* it self against me, which he had about him,) was not to content myself barely with what I had told him by Word of Mouth; but calling for Pen, Ink and Paper, I left with him under my Hand the following *Declaration*.

Sun-Tavern in Kingstreet, Nov. 1. 1728.

M^{R.} *Drew* having told me, "That he
" has been twice at my Lodgings
" to find me, with a *Warrant* under Sir
" *John Gonson's* Hand, I told him if the
" *Warrant* was for *Suspicion* of my being con-
" *cerned with the Maid*, I would immediat-
" ly surrender my self; but telling me it
" was for *affronting Mr. R-----* in the *Execu-
tion*

"tion of his Office, I am willing to accommo-
 "date Matters with Mr. R—— as to that
 "Particular, in a gentlemanlike Manner:
 "Being of Opinion; that his Offence a-
 "gainst me, for offering to suspect me for
 "being guilty in the *Matter of the Maid*,
 "justly deserv'd my Resentment. As to
 "my *Passion expressed* the Evening before, at
 "his not giving me any Account of the
 "*Reasons of his Suspicion* of the Felony in
 "the Servant Maid, I had the Morning
 "afterwards made my Excuses for it, which
 "he accepted, and our Misunderstanding
 "afterwards, arose from his *Refusal* to
 "have the Matter referred to any other
 "of his Majesty's Justices of Peace, when
 "Sir *John Gonson* could not be found:
 "And especially on his adding to this, a
 "Suspicion of my being concerned in a
 "great Wickedness, (after I had told him
 "several great and unquestionable Cha-
 "racters, to whom I had the Honour to
 "be known,) instead of supposing, what
 "God and my self *knew* to be true, and
 "what was at least *equally probable* to him,
 "that I was doing the most generous and
 "christian Action possible to be named. "

Being thus, MY LORD; so unexpectedly
 brought into the most *imminent Danger*, that
 an honest Man could well be; of having a
 Reflection of a very dangerous Nature
 break out on my Character, while I was
 worthily engaged for the Safety of a poor
 friendless Creature, who had taken re-
 fuge

fuge in me to protect her Innocence; and being well appriz'd of what terrible Consequence, the least Imputation of so heinous a Nature would be in the Minds of Men; so naturally delighted with, and ready to entertain whatever is disadvantageous to one another's Characters, and considering Reports of such a Nature, when once broached, lose nothing in being related —

What could I do on such an *Emergency*, more properly, than to resolve to bring on the Stage of the World, as soon as possible, an *ample and a distinct Relation of the whole Matter*, and of *all that had passed*? In appealing thus to the World, I follow the Example of a *Right Reverend*, and *very great Prelate* of our Church; who, to obviate the spreading of a Scandal, and to prevent its taking Root in Peoples Minds, very justly made use of a *daily Newspaper*, and that in a Matter of not greater Consequence to his Lordship, than this is to Me. Self-Defence is allowable in all Cases, and the Measure and Manner of it must be taken from the Occasion. For these Reasons, therefore, have I thought it adviseable, and necessary, to make Publick a *State of this Case* as soon as possible. And when I had resolved on it, How could I introduce it into the *World* with a better Grace, than in an humble *Address* to your Lordship? Whether Consideration be had to the *great Station* you are in, that gives you the *immediate*

Superintendency, and in some measure Inspection of the Commission, which has been in the Case in Question, in my humble Opinion, so irregularly executed, and the Power of it so notoriously abused, Or to that great Character, which your Lordship has so universally obtained, since your first Entrance into Magistracy, of being in a particular Manner a Patron of the Oppressed, and a Guardian to the Innocent. Without claiming, my Lord, the least Privilege for laying this Matter before your Lordship, from the long Enjoyment I have had the Honour of, of your particular Patronage; tho' methinks, I might flatter myself, with some Reason, that my being greatly zealous, that one, whom your Lordship had honoured with your Favour so many Years, and of which he has received such unquestionable Proof, and the Assurance of more, might be exempted from the least Censure, should not be unacceptable to you, tho' he were so near to me, as my self. Or without regarding what I was told, "That an Account of the whole Affair would be laid before your Lordship *this Afternoon*;" and which for ought I know, has actually been done.

Wherefore, my Lord; I immediately came home, and sat my self down to give your Lordship, and the World, this Publick and true Account of the Matter; every Article of which, I am ready to verify on Oath. And Time being very precious with me,
have

have resolved, if possible, to have it out by *Tuesday Morning*, when I am to *appear* to the *Warrants*; not knowing what the Consequence of that may be to my self, while the *Party* remains *confin'd* and *suspected*. And as it is thereby become a Work of Necessity and Mercy, I have ordered the *Printer* to be ready for it, *To-morrow Morning*.

I thought I was obliged to be very *Particular*, that a right and a true Judgment might be *at once* form'd of my Part in this whole Transaction; that not the least Room might be left to make any sinister Construction, either of my *Character* or *Conduct* on so remarkable an Occasion. But however *particular* I have been, I don't pretend to have related every *Word* that was spoke; but I do and can truly pretend, I have every *material* One, that leads to the forming a Judgment in the Matter; and I am assured, I have ascribed neither to my self, nor to any Body else, *those Words* that were either not spoke, or that carry not in them, the true and undisguised Meaning of that which was spoken; Having religiously avoided either to spare my self, or falsely to charge another. The senseless, not to say, wicked Irregularity, of an *antiquated Magistrate* and his *Partner*, has brought my *Character* into imminent Danger, and it still continues so, whilst the *Person*, of whom I am to be thought an *Accomplice*, lies under the Suspicion.

And as my Intercession on her Behalf has been on the *strongest Hopes*, not *Assurances* of her *Innocence*, I tho't it highly incumbent on me fully to state the *Motives*, which either first, or last, made me in any way concern my self with her Interests; and when I had done so, to *hasten* the publishing of it for the same Reason.

And now, *Where* is that *Man* in the *World*, who *deserves* to be related to *humane Nature*, who would not have *first* gone to the meanest Creature on Earth, of whom he had a good Opinion, when fled to for succour on such an Occasion? And after having made the *first* Step, I should be glad to know from the *wisest Man* alive, or, which is much the same, from your *Lordship*, *Where*, after I had once, on her earnest Entreaty, gone to her in Prison, I could have worthily *stop't short* in what I have done? or indeed have acted with less warmth, considering the Spirit that was required to conquer the Obstacles I met with, to bring *His Worship* to Reason? Especially when I had so much Reason as opened it self on all Sides, and much more than was absolutely necessary to give an Account of in the *Narration*, whereon to ground a *Suspicion* on my Side, of a very *weak*, if not of an *arbitrary* and *unjust Proceeding* in the Case? And which the Event, by the *honourable Discharge* she has had, without being bail'd at all, and by being at last fetch'd out of Prison by those that put her in, has plainly discovered.

I have said this, because I have it not only at Heart to have my *Character* unsullied on this Occasion, but that a good Opinion may be had of my *Conduct* too; which by the Account I have given of every Particular of it, will, I hope, by *some* be thought Wise and Prudent, as well as Good and Honest; and *that* notwithstanding my *warmth* too; for which I cannot but think I must be allowed by every one, that is not a *Justice of Peace*, at least, to have had more than *adequate Reason*. However, I question not but there will be *others*, who, unacquainted with the Pleasure of *doing another Good* at any Rate, but especially when it shall cost them any Trouble, or Risk of being thought ill of, however honestly employed in their doing it, will judge my Conduct rash and unadvised. But if there are any such, (as from the Observation of Mankind, I am afraid there are but too many,) I would have them to know, that as for my self, "I have not *so* learn'd my Lesson, neither as a Man, nor as a Christian." Nor am I ashamed to own it; however few there are that are ready to follow my Example, I don't know what, a Superiority in Power, Fortune, Sense, or in any other Ability, is given to us for (and he must be a very mean Man indeed, that has not some superiour Serviceableness in some respect or other,) but to be exercised towards *their* Happiness and Welfare, who may stand in need of it, and whose Honesty and Worth may justly recommend them to ones Favour. It was the high value I
 put

put on this poor Creature, for that *natural Honesty* I had observed in her, that made me willing to take her under my Protection, when she left my Service. And, in order to prevent her contracting Acquaintance with those who might not be so sincerely kind to her, that made me be willing to condescend to write a Letter, now and then to her Mother for her, and when I received the Answer, not to disdain to leave it, and read it to her my self, as my Occasions led me to pass by where she liv'd. I am not ashamed, and God grant I never may be, to employ my self for the Good of the Meanest, no less than of the Greatest Person. The Greatest Person is but an Individual any more than the Meanest, and no short liv'd humane Distinction is, of it self, so great in my Eye, nor I believe in your Lordship's, as that Virtue and Integrity of Life, which may be the Portion of the Meanest, no less than of the Greatest of humane Kind; and which will distinguish the Possessors of it, and which alone will distinguish them, to all Eternity. The senseless, stupid Reflections, unworthy of Men, Gentlemen, and Christians, that I have heard pass'd on my concerning my self in this poor distressed Creature's Case, heightn'd with that Appearance of Reason from the Danger I was in in doing it, have occasioned my delivering my own Sentiments so freely and so warmly on the *Conclusion* of the *State* of it. I hope they will not be thought improper by your Lordship, nor by any truly good Per-

Persons, and that they will justify me with your Lordship and all good Men, for my concerning my self, at first, and continuing to proceed in it with that warm Application I have done: Or at least (tho' I can't suspect it should nor,) *if* it should nor, I am sure I shall not so much as want them to justify me at a higher Tribunal, that of GOD, and *my own Conscience.*

MY LORD,

FIR'D with the justest Resentment and Indignation at the Usage I met with from Mr. R——n, and warm with the Apprehension of the Danger I had been in, and continued to be in from the *worshipful Knight's*, (however legal,) yet unworthy and indiscreet Behaviour on this Occasion, I pen'd this *humb'le Representation* of the *State* of the Case, *Saturday Night*, and sending the first Sheets of it to the Press *Sunday Morning*, proceeded that Day to set down those *Observations*, which crouded themselves into my Mind, and with some of which I intended this *Representation* should be accompanied; and as I was in the Evening drawing near to a *Conclusion*, I had Word brought me, "That the *young Woman* was discharg'd, the Bank Note for "Suspicion of stealing which she had "been imprisoned, and my self, for my "Christian Interposition in her Behalf, "so near being supposed the *Receiver* "of, had been only *missaid*, and that "she was come to make me her
humb'le

" humble thankful Acknowledgment
 " for standing her Friend on this im-
 " portant Occasion." The Satisfaction I
 had on seeing the Affair end in the Manner
 I had been aiming all along it should, and
 hoped it would, I mean, in *their discharg-*
ing of her themselves, who had so unjustly
suspected and committed her, made me, for a
 while, drop all Resentment at the *indecent*
Reflection that had passed on my self, during
 the Course of this *Affair*. I have a natural
 Contempt for undeserved Censure, when
 no real Evil may be apprehended from it.
 And however ready to *resent* an Injury, I
 thank God I know not what it is to *bear*
Malice for receiving it. I forgive from the
 Bottom of my Soul, *both the Ladies,* and the
Justice for their *diabolical Insinuation,* not-
 withstanding it was accompanied with
 express Threats, on the Ladies Part
 (of which I have certain Proof;) " That
 " if I stood the Maid's Friend on
 " this Occasion, they had Money, and
 " they would make me fly:" I forgive
 them all, I say, very sincerely, as a *Man* and
 as a *Christian,* so great and so grievous an
 Injury, and was about to forgive them and
 the *Justice* too, as an *Englishman,* by for-
 bearing to lay the Case, on this successful
 Issue of it, before the World at all. But the
Information I have, at leisure, received from
 the *injured Person,* of the *Unjust, Unwarrantable,*
 and *illegal Manner* of proceeding against her,
 to several Circumstances of which I had been
 a Stranger, has made me think it a Matter
 well

well worthy publick Observation, because of very great publick Concern.

What becomes of the Liberty of our *Constitution*, that Boast and Glory of our Country, if it authorizes a *Justice of Peace* to deprive any one of his Liberty, and commit to Prison on a simple Allegation, tho' on Oath, of a *Suspicion* against him? A *Suspicion*, my Lord, that may have its rise in the *Informer's* Mind, from a Thousand other Reasons than *the true One*, (and which it is the proper Business of a *Justice of Peace* to see to, not only before he *commits*, but even before he *grants his Warrant* against any one,) the *Party's* Guilt? Shall a *Justice of Peace* be allowed to do that which a *Secretary of State* dares not do? I should be glad to know what *Secretary of State* would commit any one, on another Person's, tho' known, much less on an unknown Person's, telling him on Oath, "That *such a One*, " he *believes*, holds a treasonable Correspondence?" Would not he enquire into the Reasons of such his Belief? Would he conclude immediately, that because it *might* be, that therefore it *was*? Nay, should a *Secretary of State* indiscreetly do such a Thing, would it be a Forfeiture of any Gentleman's Liberty to say to him on that Occasion, "My Lord, I believe your " Lordship has done a Thing you cannot " Answer?" And shall it not be allowed but on the Peril of his Liberty, for one Gentleman *not* in the Commission of Peace

to *question* the Legality of another's Proceedings in it ? What will become of that Freedom of Spirit, the natural Heritage of an *Englishman*, if he cannot do this without exposing himself to a *Suspicion* of being an *Accessory* in a capital Matter, before there ever was a *Principal* ? Or if he must be *called to account* for speaking, whether with Heat or no, freely his Mind on such an Occasion ?

Pardon me, my Lord, some small Emotion, while I humbly represent the Unreasonableness of such a Proceeding. I have not only *had a Warrant out against me*, for saying this to a *Justice of Peace* on an Occasion, (the Consequence of which, has shown that I said it with Reason,) but notwithstanding it has appeared so, and indeed, I verily believe, only *because* it has come out so, this very *Warrant* has been *executed* on me, two Days after the *Discharge* of the Party, in whose favour I had interested my self in speaking it ; and *that* (if it can be believed,) with the Connivence of a Set of Gentlemen, or of their *worthy* Chairman, and *eldest Brother* at least, assembled in *Petty-Sessions*, to put in Execution his Majesty's *Injunctions* in relation to the Danger from *Street-Robbers*. I have, by Virtue of the *Warrant* in Question, been taken up by the *Constable*, assisted with *two* other Men, and led up the Street in open View of all the World, as if I was *one* of the most notorious Villains in Town.

Their

This unparalleled Proceeding of their Worships, has (with a great deal of Justice, I hope it will be thought,) kindled my Indignation with new Fire, and added new Spirits to my Resolution, of laying the whole *Cause*, with my *Observations* thereon, before the World. What has been done to me, might have been done to any other, and may be done on Occasion (unless my Example gives them warning) to any hereafter, who with me shall have the *English Presumption* to do what I have done, *to question the Justness of the Proceedings of one of them*. And I were unworthy being, what, next to my being a Man and a Christian, is my Pride and Glory, that I mean of *being an Englishman*, if I could allow my self to sit down with Patience, under such unwarrantable Usage. Shall an *Englishman* sit down content with that Usage, from a Fellow Subject, that he is not to endure by the Constitution from his Sovereign? For this Reason, my Lord, I can, when the Cause of Liberty is concerned, very freely be content to give up my Name, and become a Town-talk, and have resolved to lay it before the World, in a *humble Representation* to your Lordship, as I at first from a different, and, however great in it self, a very inferior Motive intended. And I beg, I may have leave to treat Men, no better than my self, and the Integrity of each of whose Characters can be of no more Consequence to the Publick than mine, with that Freedom which I

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think

think their Conduct towards me has deserved. I am very willing to stand the Consequences of doing it, and fear them not.

FACTS being not capable of Alteration, and there being *Truth*, if not *Grace* in the *Narration* I have given of the *original Matter*, I shall let it remain as it is; and I humbly beg your Lordship's and the World's Attention, while I justify my self in what I have done in this whole Affair, and shew the Unreasonableness severally and jointly of the Proceedings against me.

And because I think it of Consequence, to consider well what I have to say on this Occasion, and for *another Reason or two*, your Lordship will have this *bumble Address* come to your Hands something the later. But however late it shall be presented you, it cannot be unseasonable. It matters not to the Publick, whether an *Act of Injustice* has been committed a Day, a Week, or a Month ago; the only Question the Publick is concerned in, is, whether it *be committed or no*; and if committed, whether it deserves its Attention. That *this* will be thought so I do not at all Question. If published sooner, it might have had more Passion in it, but it shall not by coming out so late have in it the less Reason.

And since it will become publick, and I have Time before me, I shall in the *Observa-*

tions

tions I shall make, not only confine my self to those which shall immediately arise out of the Subject relating to my self; but shall give a free Scope to those which shall suggest themselves to my Mind, that shall be of a more publick Nature. The Subject is very fruitful, and the Love of Liberty and my Country, makes me warm in it. And if civil Magistrates shall for the future, nay, if but *One*, shall be induced by what I shall say, to have more Tender-ness and Compassion for the *unhappy Accused*, and take more Consideration e'er he *grants* his *Warrant*, (which is *not* to be done upon every Suggestion,) or before he *com-mits*, than he was won't to do: If hereaf-ter, there shall be but *One* less *unjust Com-mitment*, or Commitment without Prosecu-tion than had otherwise been; then, my Lord, shall I think I have been of pub-lick Use and Benefit. Much more, if what I trust shall be the Case, before I lay down my Pen, if taking Occasion from hence, I shall be thought to have given good Reason for a narrow Inspection into some Matters in the Course of the Admi-nistration of Justice in our Country, which shall be thought highly to call for it. And I hope it will not be the less acceptable to your Lordship in parti-cular, if, before I have done, I rescue the *GREAT SEAL* it self, in whose-ever Hands it may be, from a very heavy, while
little

little understood, or less considered, tho' in it self a very unjust Censure.

But as Order requires, that I should begin with Remarks on *my own Case*, I hope I shall have your Lordship's and my Readers Attention while I do so, for the Sake of what may be deduced from it, and of what shall expressly follow it, of more immediate publick Concern.

In pursuing my Subject, I shall consider first, what the *whole Proceedings* of Mr. R—— were; some of which, and the most Exorbitant, I have not yet stated, being not till the *young Woman's Discharge* come to my Knowledge.

2^{dly}, What the *pretended Insult* was, under Pretence of which I had the Warrant against me.

3^{dly}, Take into Consideration the *Knights Proceedings*, in Consequence to the supposed Insult.

And lastly, the Proceedings of the Justices in abetting of the Warrant, and my Censure by them. The Executing of which *Warrant*, by their Order or Connivence at least, the Proceedings before them on it, and Circumstances attending it, appeared to me no ways inferiour, or more unworthy notice than any thing in the Process of the whole Affair; neither to my self nor to every *English Commoner* that shall read it.

And in the *first Place*, I do beg leave to affirm, that what Mr. R——n did in this
Af-

Affair, was both in *Manner* and *Matter*, *Weak*, *Illegal*, and *Unwarrantable*; That the *Resentment* I express'd at his Proceeding, was what I had a *Right* to express, and consequently justifiable. That Sir *John Gonsen's* granting a *Warrant* against me, however lawful, was an *ungentlemanlike unworthy* Action, and to be condemn'd by every one that shall hear of it. And that the Execution of it and Proceedings before the Justices in the Vestry, were *Arbitrary*, not to say, out of Respect to *some* of them, *Illegal*. And as I shall make all this appear or not, am I content to stand or fall in *your Lordship's* and all my *Readers* Censure. And if I *do* do it, as I trust I shall, I hope I shall not be thought to have troubled the World and your Lordship upon an impertinent Occasion.

And, my Lord, in the first Place, as to Mr. R———, as I have heard him spoken well of, I cannot enter on what I have to say, concerning his Behaviour on this Occasion, without observing, "That I am always extremely concerned at the seeing any Deviation in an honest Man's Character, especially from what he has given Reason in his general Conduct to be reputed to be. I think the Integrity of another Man reflects Honour on my self, as I am of the same Nature with him: I rejoice at the Sight of it, and cannot but consequently suffer when I do not see it. For this Reason, I say truly, that it is not without Concern, that I am obliged

liged to lay open the Conduct of this *worthy old Gentleman*, in an Instance that cannot but reflect Dishonour on him. If old Men will not know of themselves when they ought to resign, they should be made to know it. For what he has done in this Instance, if it be not to be ascribed to the Effect of Weakness from old Age, there is just Reason to apprehend, it is not the *first Act* of Injustice that has either *weakly* or *wickedly* been done by him.

My first *Charge* against him in this Case, is this, *That his Proceedings herein, were extremely Weak.*

When a Person is brought before a *Justice of Peace* on Suspicion of stealing a *Bank Note*, can it be thought that any Man can be so void of common Sense, as not to ask a few *Questions* of the *Accuser* on the Occasion? As, "When you last knew the *Bank-Note* was in the Place from whence you lost it? What that Place was? When did you first miss it? Tho' you kept but one Maid, was she never out of the House? Had you ever any Reason given you to suspect her Dishonesty before? What is the Number of the Note? Is it received at the Bank? And the like." There were *two stale Virgins* her Mistresses, to One of which only the *Note* belonged, and she *only* swears that she has lost it. But I don't hear the *Justice* was ready to ask the *Other*, tho' before him, "Whether she knew not what was become of it?"

If the *Bank-Note* was lost, I would fain know, " Why *One old Maid*, knowing " what she has only to trust to, and in " order to lay up against an evil Day, " may not be as reasonably suspected to " have defrauded *another*, as a *poor Servant Maid* be suspected of it, to whom *nothing* else either was or *could* be imputed to " suspect her, but what might be with more " Colour of Reason imputed to the *Other* " of her *Mistresses*," *That she was in the Way of taking it?* Especially when it was known to the *Mistress*, and, however little minded, told the *Justice*, that the poor Creature could neither read nor write, and consequently knew no more the Difference between a *Bank-Note* and a Piece of waste Paper than a *Cat*.

Had any of the *forementioned Questions* been *ask'd*, it would have appeared, " That " the *Bank-Note* of 440*l.* had been missing *nine Days*;" That either no Enquiry " had at all been made at the Bank, whether received or not, or that it had not " been received, nor had there been any publick Advertisement at all concerning it." Would it not on this have appeared evidently, to any one that had more Sense than an *Idiot*, that it was *impossible* the *Bank-Note* could have been *stolen*; and would there not have been the highest Reason given to conclude immediately, what I would *in Charity* believe to have been the Case, " That it was only mislaid?"

If the Neglect of making these *Enquiries* does not shew his Worship's Proceedings in the Matter *Wick*, let me be thought a *Fool* in thinking them so. Or rather let me be blam'd for my unreasonable Charity in not thinking them *Wicked*.

But in what *Manner* was this poor innocent Creature brought before him?

It is a hard Matter, my Lord, to conceal a Consciouness of Guilt, in a *Mind* not accustomed to have the Sense of it. I have Charity enough for the old Gentleman, to persuade my self *his* is not. He could very readily acquaint me, "*That he did not know the Ladies, the young Woman's Mistress.*" This was very reasonable for him to tell me, either in Confirmation or Alleviation of what he had done. But if he did not say this to me, from a Sense of having acted irregularly in the Matter, I would fain know, "Why he did not tell me at the same time the other Circumstances, in which this Matter was brought before him? That tho' the Ladies were none of his Acquaintance, they were the intimate Friends of two mature Spinners, his next Door Neighbours, and particular Acquaintance, that he went from his own House to theirs to do this *Jobb*; That there, as I would hope, (from the Prevalence of Nature if not of Grace) in chaste Consistory with those two, and one of the young Woman's Mistresses, a Stratagem was form'd privately and clan-

“ clandestinely to bring the Maid before
 “ him, by sending their *stale Confidante* to
 “ her, with Orders to bring a Fan to
 “ her Mistress that was there : And so con-
 “ curred to have an *innocent Person* brought
 “ in a Way of Justice *before* him, before
 “ he had received any Information on
 “ Oath, of what was laid to her Charge.”

This, my Lord, is *Fact.* For the Lady,
 whose Bank-Note it was, did not come
 there till the young Woman was sent
 for, and till she had seen her safe, where
 perhaps she had been glad, (tho' in a-
 nother Sense, I mean, in an honourable
 Way, rather than, to Appearance, dye
 an old Maid, to have seen her self) in
 his *Worship's Clutches*.

And here, my Lord, may we behold
 his Worship sitting in Judgment, assisted
 with this *venerable Court of Spinster Assis-*
ants, attended by a *pursuivant Duegna*, on a
 poor *innocent Creature*, and committing
 her to Prison, *because Oath was made by*
One of them, that the Bank-Note was lost,
and believed she had taken it, without
the Assignment of, or Enquiry after, any
Manner of reasonable Ground for that
Belief. And what can such a Scene be
 better compar'd to, than to *PLUTO* at-
 tended by the *Infernal Furies*? I crave
 Allowance for a little *Séverity* here, be-
 cause these *venerable Females* expressly said,
 in this Scene, “ *That as she had stolen it, I*
 “ *was the Person who had received it and con-*

"*veyed it away.*" And because their Barbarity, after they had sent her to Goal in her ordinary working Dress, was so infernal, as to refuse her, next Morning, the letting her have her Stays, tho' Decency and the Cold of the Prison so reasonably required it.

With great Submission, my Lord, to the *Gentlemen of the Vestry*, and to all better Judges (if better there can be,) I do think that this must be an *illegal and consequently an unwarrantable Commitment*. That the bare Oath of a *Suspicion* in the *Mistress* or any one else, cannot warrant a *Suspicion* in the *Justice*. And that every *Justice of Peace* in the like Case, is bound as he would answer for his Commitment, to have a *reasonable Ground* for his *own Suspicion* before he actually commits. If not, my Lord, whose Liberty is safe? What Door is there not open for Malice, Hatred, Envy, and all other uneasy Passions to work in the Minds, and to break out among all Sorts of People to the harrassing one another, and sending one another by the Help of a *friendly Justice* to Goal on any Occasion? I am afraid, my Lord, this Matter is not so much considered by *Gentlemen* in the *Commission*, as it ought to be: I mean, "That when they commit on *Suspicion*, it must be on *Evidence* given to them that shall reasonably cause them to suspect, or they are liable to answer for their *Commitment*." And I do aver, that none was given in this Case, on this his *own State* of it. But

But what *Justice of Peace* dares commit upon any *Allegation* of a *Suspicion*, without giving Opportunity to the *suspected Party* in the very first Instance, and before Commitment, to defend his or her Character, where at least the Suspicion is not otherwise violent? The accused Party's not *being able to do this*, is a very material Evidence for *Suspicion*. Now, notwithstanding the *Justice's* alledging *this* to me, as *one Reason* for his committing her, (which would have been a very good one, tho' not in *it self* sufficient, had it been true, and which I did not know but was true, in the *Beginning of this Address*) he has manifestly acted as *illegally in this Point*, as *weakly in the other*. And as in the *forementioned Point*, he *tacitly* confessed himself to have done amiss in the *Manner* I have mentioned, while he tells me what made *for* him, and not what made against him; so has he done the same *here*, while he told me only what was *not done* that *would excuse him*, and not what *was done* that rendered him *inexcusable*. He told me, "That he had asked her, Whether she had any Body that would speak to her Character, And, That she had none." But he did not tell me what preceded this *Question*, (tho' it ought not to have done so, because no mention ought to be of *Bail* before there appear Reason to *commit*,) which was, "That he had asked her, "Whether she

" she had any Body that would *Bail* her,
 " and that on her *naming* One who was a
 " *House-keeper*, a Man of Worth and Sub-
 " stance; his Worship, in Consequence of
 " her Mistresses, saying, "*He would not do,*
 " was pleased, without any more Words,
 " to refuse him." Thus, the most capi-
 " tal Privilege of an *English* Subject, as I
 take the Privilege of *Bail* to be, was ar-
 bitrarily and illegally refused. This the *young*
Woman is ready to attest on Oath. And as
 she had no Body with whom she could be
 so free as either to desire to *speak for her*, or
 to *bail her* but this honest Man, (who is a
 substantial *House-keeper*) and my self,
 she was arbitrarily cut off from taking the
 Advantage the Law allowed her. I, who by
 being a *Lodger*, could not be *Bail*, was pre-
 cluded from being able to *speak for her*, be-
 cause openly supposed an *Accomplice* with
 her, and the other, against whom no Rea-
 son could be alledged, why he could not
Bail her, was rejected without any Reason
 by his Worship, out of Complaisance, not
 to say wicked *Conspiracy*, with his fair At-
 tendants. And well might she not offer
 to have that Person to *speak for her*, who
 was so arbitrarily refused to be *Bail for her*.

And now, my Lord, I do think this
arbitrary Refusal of a proper Person for *Bail*,
 was illegal and unwarrantable, and calls
 for a severe Censure in every one who
 has the Liberty of the Subject at Heart.

And

And thus much as to his Worship's *Behaviour* towards the *committed Party*; which I hope I shall be thought to have called by its *right Name*, when I said it was *weak, illegal* and *unwarrantable*.

I come now to take into Consideration the *Misunderstanding* that arose in the Course of this Affair, between Mr. R — and my self. What gave Occasion to this *Misunderstanding*, was, *my peremptory refusing to have her bail'd, till I had a Sight of the Examinations or Reasons for her Commitment*, and if those were they which he told me, *absolutely refusing to acquiesce in a Commitment under them*. The *upbraiding him for not doing in this Case*, what, in my Opinion, he ought to have done, was the *Insult* I offer'd, under *Pretence* of which the *Warrant* was first granted by the *Knight* against me, and for which I was afterwards *convicted* by their *Worships*.

And here, my Lord, I humbly apprehend, that telling a *Justice of Peace*, when not executing of his Office, "*He had done a Thing which he could not Answer the doing of*", is no *Insult*; and if it be an *Insult*, he drew it justly on himself by deserving it, and denying what I humbly conceive I had a *Right* to.

This *Right*, tho' their *Worships* at the *Vestry* were pleased to deny, I take to have been my *Right*, to be the *Right* of every *Englishman*, or if it be not my *Right* by
Law

Law at present, I have hit on a *Blot* in our *Law* that stands in great need to be *filled up*.

And first, my Lord, I do believe, had Mr. R — not been conscious to himself of having done an irregular Thing, that he would have immediately produced the *Examinations*, and communicated them to me. I don't remember to have spoke of this Matter in private to *any Justice*, but who has told me he would readily have done it in the like Case of a *Commitment on a simple Suspicion*. But as their *Worships* of the *Vestry* were pleased, (as in Honour to their Judgments I would fain believe) out of a *kind* Respect to their weak aged Brother, and out of an *unkind* one to their own Authority, (for what Authority is supported by straining it ?) to be of a contrary Opinion, and as I did not care when before them, to contest a Matter with my *Judges* ; I shall beg Leave, out of great *Respect* to my own Judgment, and great *Compassion* to theirs, to labour this Point a little with them here, and shew, that if I am mistaken in a Point of *Law*, I am not so in one of *Reason*. I am, indeed, as your Lordship knows, a *Barrister at Law*, and I own a very unworthy one, and could the better bear the candid Wonderments of the *Justices* at my Ignorance in supposing this to be my *Right*, because I resolved before I was one, not to be a *trading* One. But however, I am not so very Ignorant, as not
to

to have some Law for my Reason, as well as a great deal of Reason for my Law.

I will be so fair with them too, as to consider the Matter as it stood, when I first insisted on having the *Evidence* for the *Suspicion* communicated to me, that is, *while the Party was in Goal, and before her Enlargement was thought on.* And I humbly conceive, I had a *Right* to insist on having *this* communicated to me; let her have been in the End shewn to have been Criminal or Innocent, justly or unjustly committed: And *that* notwithstanding the ordinary Provision of *Bail* the Law has made for the Liberty of the Subject in such Case: Indeed for that very Reason, because it is allowed.

And in the *first* Place, I take *Intendment* of *Law* to be as much *Law* as any *express Law* whatsoever. And what can ever be construed to be *intended* by the Law, if *that* be not, without which, *what* the Law expressly allows, cannot be *prudently* and *advisedly* done? And how in Commitments of *Suspicion* of Felony, where the Law allows *Bail*, can any one, (especially in a charitable Case, and to which the Law ought to have Respect, both as we are *Men* and *Christians*, where neither Honour nor Conscience oblige but in Prudence, or indeed in any Case,) prudently offer at the giving it, or getting it to be given, without *first* knowing what Degree of *Suspicion* there is against the committed Party?

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I have been so much commended for making this prudent Step, that I could almost pass it over without saying any thing more to justify it. It is so suitable to common Sense, that unless Law be *against common Sense*, (which, if what my Lord Coke says be true, "*That the Law is built on the highest Reason* is not to be said,") it must be *Law* too.

Had there appeared on the Stating of the *Evidence* to me, any *probable Reason* for the *Suspicion*, I would not at all have concerned my self any further in the Matter. I had, it is true, a very good Opinion of the *Party's* Integrity, and I had Reason to have it. But I was not without my Apprehensions of a *Possibility* of there being a *Colour* of accusing her, that might not have made it very prudent in me, to concern my self any further in the Matter; even tho' *that* should have appeared afterwards, what *has* since, That she was *Innocent*. I neither know when any one is in a *State of Grace*, nor is it an Article of my *Creed*, that when we are in *one*, we cannot *fall from* it. But this Apprehension of mine, of a *Possibility* of her having done a *dishonest Thing*, was soon chang'd into a certain Apprehension, of his *Worship's* having done an *unjust One*. And was (out of a *Human and Christian Compassion* to the otherwise friendless *Party*) immediately succeeded with a *firm Resolution* in my Mind to *see him out* in it. And this first
roused,

roused and kept up that Spirit in me, which I exerted on this Occasion, so *surprizingly* to his Worship and his Brethren of the Vestry.

It may be here said, " That I might have got her *bail'd*, and have afterwards " questioned the Legality of the Commitment." I own it. But was there no Difference to the *committed Party*, which Way I acted for her? To say nothing of what my Opinion of *Bail* is, tho' perhaps not so in Sight of the Law, that it is a Sort of *temporary Acquiescence under the Accusation*, she must have been, if *bail'd* out, at the Mercy of her false Accusers, when they pleased to make it up with her; whereas, on the Supposition of her Innocence, and while her Accusers had a conscious Possibility of the *Bank-Note's* being only mislaid, not stolen, (which they must have had when not received at the *Bank*,) while she lay under Confinement, she had them at her's. *Bail* is certainly, in the Eye of the Law, Imprisonment, but it is such a Sort of Imprisonment for which I believe no Jury will ever give Damages. The continuing this Apprehension of *Damages increasing* while she lay confin'd, was the only Way to put a Stop to the Suffering, in Case the Accusation could not be maintained. And the not being able to maintain the *Accusation*, when they saw the *Commitment* on it would be contested, occasion'd, I doubt not, the *Bank-Note's* being found

found sooner than it otherwise would have been. Besides, my Charity made me have the poor Girl's Reputation at Heart; which is a most valuable Thing in every Condition of Life, but especially to one in her's. The Happiness of her Life depending on the good Opinion the World had of her, and an Integrity of Character in such a Case cannot be too nicely preserved.

Every one knows what the Consequence, of having been *once committed*, is, in the Opinion of the World, when the Matter comes to a *Trial*, and the Party *not convicted*? Who is there so ready to take a *Servant* that has been suspected, tho' declared *Innocent on Trial*, as he is *One* that never has been in that Circumstance? Does not the being *questioned*, however honourably acquitted, remain a Reproach? This is very unjust, but it is Fact; even where there can be no possible Doubt had of the Party's Innocence, and where the Prosecution has been apparently malicious. And how much less does a poor *Creature* suffer to whom it happens, to be *committed*; and in the *too* usual Manner *bail'd out*, and the Matter made up short of *Trial*? Very little most certainly. And with great Reason: Because there may be other Reasons, why People will not *prosecute* than the *Certainty* of the accused Party's *Innocence*. The Trouble, the Charge, the Difficulty of legal Proof, and *not* the Party's avowed In-

no-

nocence, may be the Cause of the Accommodation. Whereas *stopping short* and not *bailing*, and putting them immediately on the *Validity* of the *Commitment*; is not only making the Danger of the *Accuser* stare him in the Face in *point of Damages*, but in *point of Infamy* too, which will be always the greater, the longer *he* continues in his wicked *Obstinacy* of not letting the *Committed* out; not to say a *Release* in that Case carries immediate Conviction of the Unjustness of the Imprisonment in the Minds of every one. Nay, when this is well press'd, not only the *Accuser* who swears, but the *Justice* too who commits, must begin to look to what he has done. For surely no *Justice of Peace* ought to be at rest, while the *Legality* of his *Commitment* is questioned; and no *Certainty* in the Case, but it may *justly* be so. And in *this Case*, I have very good Reason to think it was highly owing to the *intestined Interviews*, his *Worship* had with the *Ladies*, that the Matter turn'd out so soon, so happily as it did. Had I *bail'd* her, who knows when this *Note* would have been found? Might not they have dropt the Prosecution under Pretence of *want of Evidence* or for other *Reasons*? I am afraid this is done daily, and was, I question not, to have been done here, had I *bail'd* her. For who that had no more Conscience than to swear a *Suspicion of Guilt* on an innocent Person
 on

on *no Reason* at all, would not evade, if possible, the Dishonour of it? This I was aware of, and this made me peremptorily resolve to have the *Commitment* it self enquired into. This a *late Agreement* among the *Justices of Peace*, not to *interfere in one anothers Business*, made difficult to be obtained among them. Which *Agreement*, by the Way, implies a *Supposal* among themselves, which *their Worship* in the *Vestry* would not bear the *Supposal* of in me, *That there are among them some false Brothers*, (whether rightly denominated by the Word *trading Justices* or no) that are not always ready to do their Duty; and however necessary this *Agreement* may be to prevent that from being undone for Reward by one, which another had done out of Justice, strictly observed, may on some Occasions put the Subjects to great Inconvenience. This *Agreement* however, had not prevented me to have had the *Commitment* reconsidered, tho' not with his *Worship*, *Saturday* in the Afternoon, had not the near Execution of their Stratagems to accomplish what they had threatened, "Of making me fly if I stood by the innocent young Woman on this Occasion," obliged me so very justly to look to myself.

My Lord, I don't apprehend that it has been at all foreign to the Case, to prove that I was doing what the Law allowed me, when I committed the pretended Insult.

Adm-

Actions are very justly differently construed in Law, as we are lawfully or unlawfully employed when we do them. But what was this *real* Insult? For I would not impudently call in Question their *Worships* Judgment as to term it when speaking of it, any more, a pretended one, after they had judiciously convicted me of it. What, I say, was it, but the telling Mr. R—— to his Face, not while the *Party's* were before him and he was doing it, but after they were gone and it was done, that he had done a Thing he could not Answer, and for doing which, he ought to forfeit his Commission? And which I have prov'd to be an unjust Thing, on his own Representation to me of what he had done? And which, since, the Event has prov'd to have been so.

And now whatever Colour there might be for Censure of me, for telling him so, while the *Party* remained committed, and during a subsisting Possibility of her being Guilty, who could ever have thought that the Warrant issued out against me, could have been executed after the *Party* was freed, and the Event had manifestly shown she had been unjustly imprisoned? But so it has been, and I have had the Honour done me, to be taken up like a Felon, and had before their *Worships*, with all the Marks of Infamy to answer it, and found guilty by them, and censured accordingly.

But

But was this an *Offence* in the *Matter*, or in the *Manner* of it? By what I could observe from their *Worships* reasoning, the *Offence* lay not altogether in the *Matter*, (they forgot not so far that *others* were *Englishmen* as well as *themselves*.) but that it derived some Part of its Guilt from upbraiding their weak Brother in the *Execution of his Office*. My Lord, had this been the Case, had the *Justice* been actually in the *Execution of his Office*, and the *Parties* before him, and had his Irregularity been (were it possible) more grievous, I have that Respect to *Magistracy* in the actual Exercise of it, to which our Law pays so justly so great a Regard, That however pardonable a Repentment of Injustice may be in it self, I should have taken great Shame to my self for *expressing* it. But in this Matter I beg Leave to differ from their *Worships*, and affirm, what I hope, has appeared to Your *Lordship*, "That he *was not executing his Office*, when I made thus bold with him. I think it must appear evident to any one, that it was *because* he would *not execute* his Office, that this (so called) *Insult*, was offered.

But my Lord, it came out before the *Justices*, what I was expressly told by his *Worship's Clerk the Undertaker*, That tho' this *Warrant* was for affronting the *Justice*, yet that there was an Intent originally to *question me* on the Matter of the *Felony*. For when I urg'd the Smallness of the
Of-

Offence on my Side, and the Greatness and Unreasonableness of the *Provocation* on his, it was said by more than *one Justice* at the *Vestry*, that I had given by my Conduct just Reason to suspect my being concerned with the Maid in the Matter. And indeed, my Lord, (to go along with them as far as in Conscience I can) I do believe, to a weak wicked Mind, I had. They did not omit to take into the Account of my Behaviour, that tender hearted compassionate Christian Expression, which I have above mentioned, (P. 4.) and which was reported from the Goal to the Justice, and from the Justice to them, which I spoke to the innocent Creature to comfort her when I first found her in Prison, in all the Agonies which a Sense of Guilt brings only on a cultivated Mind, but which a Sense of Shame and Concern for barely being questioned, however Innocent, does on an honest uncultivated One. This, they let me understand, had justly its Weight in their Brother's Mind, to treat me as a Person to be suspected an Accomplice in the Matter. I can't say, my Lord, whether I received this Construction of so human, so Christian a Tenderness, with more Compassion or Contempt for their Judgments. I have, my Lord, in the Course of my Life frequently experienc'd, and that often from your Lordship too, with what Pleasure one hears the Words of a Friend or a Superior, when they are affectionately or tenderly

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uttered

uttered, What Power they have to excite generous Sentiments in a Mind at Rest, and what a sweet Remedy they are to an afflicted Mind, and therefore spoke them. Little thinking there could be such going backward and forward between the Goal and the Justice, much less such ready implicit assent given to a Crew of *Goalbirds* as was in this, and another Instance (which I shall speak to in its Place) on this Occasion. But O *Tempora*, O *Mores*!—What Times do we live in! “That a warm generous Interposition in Behalf of the Innocent, and a Christian tender Expression of Concern at a Calamity should be held so unnatural, so removed from all human Apprehension, as to be more readily thought an Indication of being Partaker in Guilt, than the Mark of a Heart full of Compassion!”

But allowing the *old Gentleman* had Reason, not being conscious of my Innocence, to suspect my being *guilty*, and to have had some Colour for his unworthy Imputation, might I not be allowed on my Side on the contrary Consciousness of my Innocence, and on what Principle I acted, to think it a great Hardship to be thought so? Is it a Thing of such a barbarous inhuman Nature for a Gentleman immediately to *resent*, and that even without any *opprobrious Language*, such a Suspicion alledged against him, upon so slight a Foundation? What distinguishes *Man* from

ter from Murder in our Law, but the Hastiness of Passion on a just Provocation? I should be glad to know if I had, under the *Feeling* of my Repentment, actually done, what I think I told the *old Gentleman* I would have done to a *young Man* on the like Occasion, *pull'd him immediately by the Nose*? Whose Blame should I have incurred for doing it, considering the Greatness of the *Insult*? But none of these Considerations could work on the Minds of my *venerable Judges*: Neither with my *worthy Knight* at his first granting the *Warrant* (for I would hope his *faithful Friend* had given him a circumstantial Relation how the Affront happened before he issued it) against me, nor with the *Justices* on having it executed, and on a *Hearing* prevent them from *condemning me*. That none of these Reasons operated with the *Knight* I don't at all wonder. He had his Impressions from his worthy Friend, and a peremptory Refusal of the Assistance of any other of his Brethren, when his *Knighthood* was not to be found, deserv'd a suitable Return. Besides, an inward Belief, that he that has not Money, must be a Rogue, or at least disposed to be one, might very well incline any Man to act *his first Part* in it. But that 7 or 8 *English Gentlemen*, after having the *Matter* laid before them, could so far forget themselves, as to sit on the *Examination*, and proceed to the *Censure* of a Gentleman's *Conduct*, after it must have

appeared, That the *Imputation* that gave Occasion to it was *so dishonourably* and *so unjustly* made, is somewhat amazing.

What a great Monour is it not in the Thoughts of such may I not justly on this Occasion say, to be a *Justice*, and how little to be a *Gentleman*!

But it is not more amazing, That they could *fit* and *examine* Me in this Matter, and afterwards *censure* Me *judicially* for my Resentment on such an Occasion, than that they could be *privy* to the sending for Me, and *taking Me up* by a Warrant, after the Matter was *over* for which I had been *first* question'd, and which gave Occasion to all the rest, I mean, *after* the poor Servant's *honourable Discharge*. This, if they were *privy* to, as I think, is very likely, is most surprizing. Is it not highly to be wondred at, That in 7 or 8 *Gentlemen*, there was not *one* that could have interposed, by saying, " Let Us send a Message for him, it is " more civil; tho' he was passionate, he " was in the Right." If this could not have been expected from those that did not know Me, ought it not to have been expected from those that did? Did they think, by sending 3 Men after Me, I should have refused *voluntarily* to have come to them on the *first Call*? Would not this Usage tempt one to conclude their *own* Judgments and Understandings were wounded, in the Wound I had offered to give to their *weak Brother's*? That This was
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an Affront in which they were all concern'd, and that, should the *Cause of Commitments* be allow'd to be enquir'd into, their Honour was at Stake, and the *soothing Commission dangerous*? This indeed they were not so free as expressly to say, but I was told, "The Honour of the Commission was to be supported." In Consequence whereof, I, who had dar'd *question a Brother's Proceedings* in it, was to be humbled, in full Consistory, for my Presumption! But could they think, that a Gentleman who had had the Resolution to act the Part I had done, and in Spight and in Defiance of the Opposition I had met with, had acted it successfully, and forc'd them to release the Person unjustly committed, would sit down under a *judicial Sentence* from them for *doing it*, without further Notice? If they thought so, they will find themselves, by this *bumble Representation* of the Matter I here make *Your Lordship*, grievously mistaken.

When I came into the PRESENCE, and heard my *Accusation* read, I was not a little surpriz'd to see my *Accuser* remain my *Judge*. I was resolv'd, however, to let them go on *their own Way*, and so bore the reading of my *Charge*, contained in his Worship's Servant's *Affidavit*, to which was added, to my no small Surprize, the *Letter and Declaration* I have inserted above. The reading *these* against Me I thought was very extraordinary, considering the Success
the

the Resolution express'd in them had been attended with. I neither objected to their *Authority* in general, tho, judging on what so immediately concern'd them, as their *own Power*, nor excepted to my *Accuser's* keeping *his Place* among my *Judges*. I had already taken my own Resolution what to do, and I was willing to leave them to execute theirs. When all the abovemention'd written Evidence was read, the *old Gentleman* stood up in *his Place*, and telling his own Story, *concluded* (with what (because not material to the Point in Question) seem'd to have stuck in his Stomach, more than even the Affront on his own Authority) with saying, that I had, in my Passion, call'd the young Woman's Mistresses a Couple of *old B—ch—s*. Whether this *Expression*, at my going away, did, or did not escape Me, pray God I may never have a greater Fault laid to my Charge, than the giving this *Compliment* to a Couple of *stale Virgins*.

My Lord, I am really serious when I term that Expression, as coarse as it is, when applied to an *old Maid*, a Compliment. The Word *B—ch* is the Name of a Creature that is incapable of abusing her Nature. Whereas, the Words *Old Maid* fall little, if any thing at all short, of *implying* it. For as God makes more Men than Women, there being by Computation 14 Boys born to 13 Girls, unless when she comes to Maturity a *Woman* happens to be
greatly

greatly deformed indeed (which is not the Case of *these Ladies*, who are tall proper Women; and where it is the Case, can hardly ever be so great, but good Qualities may recommend it) it cannot be owing to any thing else than to some Abuse of her Nature, that *she* ever comes to be in that *forlorn contemptible Condition*. To concur on their Part to *increase and multiply*, in an honest Way, is the Duty of *Women* as well as *Men*; and unless their *ill Conditions*, or their *insisting on unreasonable Terms*, which the Law of God does not, nor the Law of Man ought not to allow, there being by the Will of God, as I have said, more Men than Women, every one of the Sex must and would come to be provided for in *due Time*. And that just Reproach that is thrown on Women, who either do *outstand* their Market, or by Reason of their *ill Qualities* are *no Man's Money*, I look on as a just Punishment, for either refusing the Offers made them, or for not deserving any should be made them, in this World, before they come to *lead Apes* in another.

Having been pretty severe in the Course of this Address on *Old-Maidship*, I am very glad I had this Opportunity to deliver my Sentiments on that unhappy State; I hope it will be a Means of exciting a true *Contrition* in the Minds of Those whose *Iniquities* have brought them into it, and of preventing Others from having the same Occasion for it. In the Disputes, My Lord,
be-

between the *two* Sexes, Whose Fault is it that Things are carried no better between them? I have been, in my Time, of *Counsel* for the *Ladies*; but it was only to make my Court to them, and from a false Civility, for which I own I ought to take great Shame to my self. My serious Sentiments are such, as I am sure will pass Muster with the most impartial Inspectors of Man and Womankind, That *Men* are not naturally so *interested*, nor so great *Lovers* of *Variety*, as Women of all Degrees are, of having what will *gratify their Pride* and *Vanity*, and make them outvy and appear *equal*, or *superior* one to another. I don't pretend entirely to excuse the Men, and to think it has been an irremediable Thing in itself, that we have so many b— Bachelors in the World, but it is certainly the little Regard Women have to render themselves *lastingly* amiable to our Sex, that makes so many neglect them in the Way of a rational Entertainment, and take up with them only in a Way which brute Beasts have allow'd them in greater Perfection. And therefore, if the Question should be put, *Who should reform first?* I answer, *The Ladies certainly*. And I don't in the least doubt but the happy Effects of it would soon be seen, to the no small mutual Satisfaction of both Sides, and to the very much bettering the Face of Things in the moral World; which *suffers* more from the irregular Views which Men and Women have

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in *matching* with one another, than from any one Thing whatsoever. Were Men and Women once good Wives and good Husbands one towards another, they would soon be good Masters and good Mistresses, good Fathers and good Mothers, good, my Lord, in every Relation : And what a Beauty would not this Order spread throughout the World ? — And so much, by way of Apology, for my Disrespect towards a *Couple of old Maids*, which, of a barren one, will be thought to have been in my Hands a pretty *prolifick* Subject.

But to return to my *venerable Tribunal*, from whence this Digression, for Edification Sake, has led me. When it came to my Turn to speak, I was willing to act the *Farce* so far as to give them some little Account of the Matter. The *Charge* in the *Footman's Affidavit* against Me was pretty near the same as I have above stated it. " That I, in a
 " very warm Manner (and, as I humbly
 " conceive, as it became Me to do) expo-
 " stulated with his Master, the first Night,
 " for having done a Thing he could not
 " justify, and heartily scolded at him, the
 " next Day, for refusing to do Justice but
 " with Sir *John Gonsen*, and for impudently
 " suspecting a Gentleman, every Way as
 " good and as honest as himself, of being
 " a Villain." No Cursing or Swearing, or calling his Master Names, was laid to my Charge. There was indeed *two Things* in the Affidavit to which just Exception might
 1 have

have been taken, if I had thought it worth my While before my Venerable Tribunal to have taken Notice of them. The one *false*, but of little Consequence, and the other absolutely *unwarrantable* in the Swearer, but much more so in my worthy Knight, who was the *Fidus Achates* that took the *Affidavit*, if he did not *help to cook* the Matter up strongly against me. This *Affidavit* I have been no less than three times at the Clerk of the Vestry's for, in order to have presented it to Your Lordship and the World, as a *Specimen* of the Manner in which *Affidavits* are taken, as well as This *whole Case* is an Account of the *Proceedings* on them. The first Time I was told, "They had it not." Then, "That it would take up three Hours the looking after." The last Time I applied for it, "Truly I must apply to Sir *John Genson* for it, for they had it not."——Indeed, my Lord, they may very well be ashamed of it, and so might the Gentlemen of the Vestry to have had it read before them; for, as to the Knight's suffering it to be made, I don't wonder in the least at That——'Twas suitable to his Wisdom, if not to his Honesty. One *Article* was, That in Excuse for what I had said the Evening before, he swears, "I said, That I was in Liquor." The *old Gentleman* himself did indeed say he thought me so, and this might occasion the Servant's *Mistake*, which I would in Charity not believe a *wilful* one. For how was it possible
for

for me to say so, which I know I did not, when I never was drunk in my Life, no, not tho' I have, in the Course of my Life, liv'd in the best of Company 20 Months in *Germany*. Nor was I ever so far gone in Liquor, nor is there that Man on Earth can say the contrary, as ever to lose the Respect due to the Company I was in, or ever to say a Thing I did not know I said, or that I would not have said, before I had drank a Glass. But *this*, tho' *sworn* I should accuse my self of, is what I make no Account of, and for which I heartily pardon the poor Fellow. Nor should I much concern my self with the *other Article* on my own Account, were it not my Intention to make *this Case*, since I take my own Time in publishing it, as useful to the *Publick* as I can. And indeed, my Lord, if this be the *Manner* indulged in our Law in taking *Affidavits*, it is high Time it should continue so no longer. It is, my Lord, *the Fellow's swearing*, and the *upright Justice's* that took his Oath, *admitting him to swear, to my Intention*. "That after his Master had shut the Parlour Door against Me, I endeavour'd to open it, with an *Intention*, as he verily believ'd, of *striking* his Master, or Words to that Effect." What is become of the *Affidavit* I know not, and I scorn'd to go to the Knight for it. I am sure it ought to have been in the *Clerk of the Vestry's* Hands, and a Copy of it given Me, being *convicted* of having *abused a Justice of Peace*, on it: But

whatever is become of it, I have so good an Opinion of every Gentleman there, that they attended to it so well as to remember this *wicked Construction* of my *Intention* was in it. My Lord, I think I give it its right Name when I call it so. And if it be *allowed* by our Law, to put such a *Construction* on any Man's *Intention* in the like Case, it is a wicked *Allowance*. And indeed, not only this *Manner*, if it is to be permitted, (and none of the Gentlemen Justices present excepted against it) but the *general Manner* in which *Affidavits* are taken, is, I think, highly unreasonable, and liable to great Abuse. The *Parties concerned* club their Heads together, to dish out a Matter that may have a plausible Appearance, and *read well*, (as the Saying is) and then the *Swearer* is brought before a Magistrate, and the Paper held in the Clerk's Hands, when, with a cursory running it over, and which, I believe, is not always done neither, and with a " You shall swear that what is therein " contained is true, and kiss the Book," the Matter is ended. But I am sure, if that Regard was had, which ought to be had to Justice, no Magistrate would ever suffer an Affidavit of any Sort to be sworn before him, that he did not see, and hear taken *down* from the Party's Mouth himself; and that, whatever Time it took him up. But what, my Lord, would be the Consequence of this? That which is a Shame and a Scandal to our Country, and will ever be so till remedied

medied, That there would be *less* Business in *Westminster Hall* than there is at present. My Lord, I was willing to say this, on this Occasion, for the Good of my Country, which, as private a Man as I am, I have as much at Heart, as any Man whatsoever; and, I hope I shall not say it in vain. And that in a proper Time and Place, due Notice may, be taken of it. Alas! my own particular Case affects me not, from whence I took Occasion to speak of it; neither would it, more than for the Example Sake, was the Matter still *sub judice*. I have it not in my Nature, to offer to do that in my Passion, which I would not do in cold Blood. My Reason, I thank God, never fail'd, nor ever was known to fail me, on the greatest Provocation; so, as for me to *do* a Thing in a Transport of Passion, which I would not do at another Time; much less so extravagant an Action, as to lift up my Hand against the Infancy of old Age would have been. How much I am Master of my self in this Respect, let every one that reads this Case, judge; when on so great a Provocation, as the supposing me, to my Face, "guilty of receiving a stolen Bank-Note" was, The only *indiscreet Word* that is suppos'd to escape me, was, "calling a " Couple of old Maids B—tc—s."

I seeing some Gentlemen there, who were Strangers to me, and *One* in particular, whose excellent Character at least, tho' but little personal Acquaintance between us,
was

was not unknown to me, I was content, as I have said above, to give some small Account of the Matter, which the strict reverential Regard I had for the *Knight* and his *Right-hand Brother*, my Accuser, had otherwise hindred me from. But when I came to that Point, which was the *great One*, on which the old Gentleman and I broke, the *second Time*, "That of having no one of his Brethren to his Assistance, but the *worshipful Knight*," he was pleas'd, most impudently (I speak of him here as my *Accuser* not as a *Magistrate*) to deny it. Indeed it was a *grating* Point, considering *where* we were; but I think the *old Man* should have had more Grace than to have put a *Negative* to a Thing, the *Affirmative* of which caus'd all the *latter Difference* between us. For I suppose, had I acquiesced with his Worship's Pleasure of waiting till the *Knight* was to be met with, he would hardly have ventur'd on the *suspecting* me to my Face. The Forms of the Judicature not admitting my doing, what I offer'd, taking *my Oath* of it, (but which however is as true as God is true) I contented my self with the bare Mention of it.

But there was *another Point* that I could not avoid observing on, for the Pleasantsness of it, and because I saw it would be very hard to get over it; and this was, his bringing against me in Charge my *Heat* and the Expression of my Passion the *first Night*, for which I had voluntarily *asked his Pardon*,
and

and for which I had *expresly* received it. I told them, " That I thought every Man " might renounce his own Right, and " that when once he had renounced it, he " was not at Liberty to resume it; and " consequently, that as the old Gentleman " had *pardoned me* for that Irregularity, it " ought not to have been brought in " Charge against me." There was nothing to be said against this by *Gentlemen*, altho' *Justices*, and so they *allow'd* it; so that the remaining Part of the *Accusation* was only my *second* *Passion* expres'd on his *suspecting me* of being the Receiver of the Bank-Note of 440 l. from her that had stole it. It being never my Manner to reason with People that deny *first Principles*, I was resolv'd to say very little to this Point; because, he that could first grant a Warrant to *take me up* for a Warmth of *Passion* expres'd on this Occasion, and those that could concur to the sending *three Men* to *take me up* on it, after it had so plainly appear'd to be a most villainous Imputation, were not proper Persons to reason with concerning it. I did indeed say, That I humbly apprehended I had not affronted him in the *Execution of his Office*, because my Quarrel with him was, because he did *not* execute it. But this was *worshipfully* over-ruled, with more great Wonderments made, How I, who was a *Barrester of Law*, could be so ignorant as not *to know* (what I should have wanted common Sense to have thought) that he

was

was executing his Office when he refused to act on my Application, in it. Knowing better than to contend with a Lion in his Den, I acquiesced. And struggling, as at the last Gasps, I faintly represented the just Occasion I had to be angry, how agreeable it was to human Nature to resent such an Imputation, and unhappily threw in, "That I was content to ask his *Worship's* Pardon for my *second Heat*, as I had done for the *first*, provided he would ask mine for giving me Occasion for it." Here a Murmur arose that required Time to silence. "This was monstrously unreasonable." — This was unhappily urged by me, because, after offering, I could not well have refused it; and as I had intended, before I came there to give a publick Representation of the Matter, I should have been sorry, for the publick Benefits sake, to have seen my self prevented, as in Honour I should have thought my self to be, from letting his *Worship* had his Part in it.

So, retiring, I was left in *Custody* of those whose Business it is to look after *Rogues* and *Felons*, while their *Worships* were under Deliberation what *Punishment* was to be inflicted on me. What weighty Arguments were offered on this Occasion, and by whom, either for Aggravation or Alleviation of the great Crime I stood accused of, I know not, nor do I much care. Let it suffice, that in due Time I was call'd in, when

When, H E, *with WHOM*
 — a THOUSAND Ears

(*) Are raptur'd while he talks, and a
 THOUSAND Eyes

Are fasten'd on his FORM,
 was to pronounce *Sentence* on me.
 O what more than ordinary Courage it
 required to *support* the dazzling Rays that
 shone from his *Worship's* — *Buttons* and
Button-Holes ! With what more than *Ci-*
ceronian Eloquence was my *Sentence* pro-
 nounced, " That the HONOUR of the
 " Commission was to be supported, and that
 " I justly deserved to be *bound over* (for *up-*
braiding one in the Commission of Peace,
 for doing a wrong thing, when it actual-
 ly had appear'd he had done it) " But that,
 " That *Clemency* prevail'd in the Minds of
 " my *Judges*, and that Moderation and
 " good Nature was in his *worthy Brother*,
 " that he was contented with so *slight* a
 " Censure as making my Submission, and
 " *asking his Pardon* before their *Worships*.

Which, to conclude the *Farce*, I very
 readily comply'd with, little troubling my
 self what the Issue was before them. At
 taking Leave, however, I could not avoid
 acquainting them, as I told them, with a
Thought that then came into my Mind,
 which was the Words of our Saviour to the

(*) See the *Verses* prefixed to his three CHARGES
 bound up together, the greatest Curiosity that was
 ever seen for the Occasion.

Jews, on the Story of the *charitable Samaritan*, (and which I would alike recommend to every one who shall read this, both as they are *free Englishmen* and *Christians*, if they have any Regard for either of those valuable *Characters*) "*Go ye, and do likewise.*"

My Lord, what *indulgent Construction* the Gentlemen of the Vetry may, according to their *superiour Wisdom*, put on this *Proceeding* with me, I cannot tell, but I take it as a *Conviction* and a *Sentence* on it, much superiour to the being *bound over* to answer for my *Offence* at another *Judicature*, and what I would never have comply'd with; nay, I would have been *committed* e'er I would have *acquiesced* under it, had it not been in *express View* of encreasing the *Series* of *Absurdities* practis'd from the Beginning to the End of the *whole Affair*. Knowing very well I had it in my Power to make my self ample Amends for what *Indignity* there was in doing it. I consider'd it as a *Sentence*, and a *Condition* imposed judicially on me on the *Penalty* of being *bound over*, or *committed*, if I comply'd not with it.

AND now, MY LORD, if after these long Reasonings it might be allow'd me to reflect on *what* has more immediately given *Occasion* to them, it will be easily seen, that the *Trouble* I give *your Lordship*, and what I have been obliged to take *my self*, is chiefly, if it had not been intirely, owing to the wise, polite, judicious, gentleman-like magistralical Conduct of the most worthy

thy Knight I have so often had Occasion to do my self the Honour to mention in the Course of this most *bumble Address*. Had he not with so much *discreet Prudence*, and with that *cautious Use* of the Power which the Office of a Justice of Peace worthily invests him with, concurr'd at first to bring me in so scandalous a Manner on the Stage on this Occasion, to the no small Likelihood of my receiving thereby so very comfortable a Relief to my Character, and afterwards actually brought me, in so civil a Manner, before their *Worships* assembled in Vestry, I might very probably have contented my self with the seeing (not that of the 20 Guineas, which was huddled up in all Haste between the Ladies and an officious Friend of her's, but a much more ample) Satisfaction made to the injured Person by the Justice, and by her Mistress, in a private Manner, or in a private Course of Justice. At least, had I concern'd the Publick about it, it had been for the Publicks sake alone, and not my own. As for my self, I am too well acquainted with the Frailties incident to every State of human Nature, and, on Reflection, too much Master of my self to take in any great Dudgeon, the testy Peevishness of an old Man, or to be much surpriz'd at the imaginary Dreams, or constitutional Malice (at Variance with her self and all the World for being so) of an old Maid. But what can palliate the officious Proceedings of the Knight in this

Case? It has been *his* judicious, kind, benevolent *granting his Warrant*, and causing it so *diligently to be executed*, that has been the Leaven that has fermented this whole *Mass of irregular Conduct* against me, into that *monstrous Lump*, in which I believe it has appear'd to your Lordship, and to every one that has cast his Eyes on it.

But far be it from me, to call in Question any *Justice of Peace's Power* to *issue* his Warrant against me, or any other *Gentleman*. I know he has this Power. But, my Lord, is *all Power* at all Times, and on all Occasions, and in all Circumstances, to be *alike* exercised? Or, may there not be a Circumstance, when the Exercise of a Power in a Magistrate, that he is entrusted with, may be as illaudable, as the Exercise of it in another Circumstance may be laudable? Because the Law in some Cases allows a Justice of Peace a *discretionary Power*, is he to *take up*, and commit *at random*? Is a discretionary Power to be exercised without Discretion? Nay, even where the Law allows a *Commitment* for three Days, is he at Liberty to take up and commit for that Time *whom* he pleases? Surely *all things* that are *lawful* are not *expedient* any more in *Law* than they are in *Gospel*. And when a *Magistrate* shall by his Conduct cease to be a *Gentleman*, he ought to cease to have the Regard due to a *Magistrate*. And if ever there was an unworthy, unmanly, ungentlemanlike, imprudent Exercise

ercise of a *Magistrates Power* that was *lawful*, this was of Sir *John Gonsen's*, in *first* granting, and *afterwards* causing to be so scandalously executed this Warrant against me, a Gentleman so well known, and I hope I may say, of so fair a Character. Such an impertinent Use of Power, as this was, which might have been any other Gentleman's Case as well as mine, ought to make a wise Man sick at the seeing *one* that had no more Sense than to use it, in such a manner, entrusted with it. But what Charms has not the Exercise of Power in it to light Minds? and how frail is human Nature in this respect?

My Lord, I have great Reason to dwell on *this Circumstance* of the Warrant: I should be ungrateful to God, if I did not, I have, almost miraculously, escaped an *Infamy*, which, considering my *known* Circumstances, I know not what might have been the Consequence of. How little to a generous honest Mind does a *Suspicion* of *Guilt* come behind *actually being guilty* to Another? — My *Indignation* rises at the very Thought of the *Imputation*. Had I been met with the first Evening, or the next Morning after this Warrant was first out against me, and it was ten thousand to one I was not, a *Rumour* had undoubtedly gone forth, of my being concerned in the *stealing* a Bank-Note of 440 l. Value, if I had not been *actually committed*, on the *intended Enquiry*, for it, And it's not my escaping

escaping it that makes me think myself, the *less obliged* to him, whose Discretion had so nearly brought it on me.

My Lord, I would not pretend to dive into the *Heart* of any Man. But this *worthy Knight's* is so *shallow*, that it needs no great Conjururation to be assured what his Motives were for acting in such a Manner. Sir *John* has known as well as most others who knew me, that the DISAPPOINTMENTS I have met with (however HAPPILY they appear to me, now, to have fallen out) have occasion'd my being *beholden*, as well as many other *Gentlemen*, that have been in their Generations much my Superiours, to my Friends, to make me weather my *adverse Fortune*. To a Man that is acquainted with no other Measure of Worth but Money, it was a very easy Combination in his Mind to think, "That he that stands in need of it would get it at any rate." This, my Lord, together with a Desire of returning the Compliment to his Brother R ——— for his refusing to act with any other Justice but himself, join'd to (what I believe is apt to take Possession of more than one Man's Mind of the *Faculty*, when any one comes before them) a *Desire to be doing*, in order to shew their *Authority* over others, *These Reasons*, I say, without diving beyond one's Depth into the Heart at all, may very well be supposed to have induced my *worthy Knight* to do as he did. And his doing

ing which has by a Concatenation of Effects with their Causes, brought your Lordship and the World to be acquainted with it.

As to my *present Defect of Fortune*, I am not at all ashamed to own it. I have never endeavour'd to conceal it. Thinking it a much greater Honour to have been supported by my own personal Credit, when my Fortune was spent, than to have had the Remainder of it to support me. I have laid out a handsome younger Brother's Provision, on giving my self the best of Educations at home and abroad, and that very *successfully* too in many Respects. For my Part, Whether *my self* or *any other* be the Subject, it is the same Thing to Me, I will not judge of Success by *Profit*, but by *Desert*. And in Point of *some Degree of Merit*, at least, I lay Claim to it. And as a Proof of it, I would mention the well known particular Distinction I met with in every Court I came to abroad, attended with *repeated* and even *Royal Offers* of an Establishment. But above all, as a *capital Argument* of it, how could I without it, have been ever able to have preserv'd to myself, for 17 Years together, the Honour of Your Lordship's *particular Countenance*?

These, my Lord, are cogent Reasons with Me to think, that though my Fortune is spent, I have not impoverish'd myself; and that I have it still *in Value* by Me, though
not

not *in Specie*. Your Lordship, and some few others, perhaps, may be supposed very truly to be ready to do any Man Justice on such an Occasion; but how few are there in the World of Your candid Sentiments? How many are there not, who, because one has not Money, will think one *poor*? And how few are there that will think a Man poor, and will not think him content to be rich at any Rate? Indeed, when I reflect how narrowly I *escaped* being committed to the *Gate-house* for Suspicion of Felony, (for I would not have been bail'd) on this Occasion, I can think on it no otherwise than as an Effect of the Divine Pleasure, That I should not suffer to Extremity, while I was doing an Action that God himself must delight to behold, and what he has so strongly recommended to Us, as the Care of the *Poor and Innocent*? And I would have this *Lesson* learnt by those who shall come to the Knowledge of it, " That they would never be afraid of the Consequences of *well doing*. Whatever the Appearances of Danger may be in doing it, it will, in the End, most certainly *end well*."

I come

I Come now, MY LORD, to my OBSERVATIONS. With which I shall be the shorter, because of the Latitude I have allow'd to my *Reasonings* in the Course of this most humble *Representation* hitherto. And the FIRST shall be, " That if it
 " shall appear, that a *Gentleman*, who has
 " been so long in the *Commission of the Peace*,
 " has acted *so irregularly*, by refusing to give
 " *Satisfaction* to one that came to him on
 " the *committed Party's* Behalf to demand it,
 " as to the *Reasons* that induced him to *commit*
 " *her on Suspicion*; or, if it shall appear
 " he has *committed* her on slight and insufficient
 " Motives, has arbitrarily *refused* a fit
 " and a proper Person for *Bail*, and as arbitrarily
 " *refused* to *act*, without the Assistance
 " of One rather than another of his Brethren,
 " when desired, in order that the committed
 " Person might have Liberty to have her
 " Character spoken to, or has been pleas'd
 " to turn, without any Manner of Reason,
 " a candid Christian Intercession in the
 " Behalf of an unhappy injured Prisoner
 " into an *interested Concern*, from a Participation
 " of Guilt with her, If I say, This,
 " and ALL this, has been done, (and that
 " it has I do expressly aver, and am ready to
 " maintain) by one of the *oldest* in the
 " *Commission in Middlesex*," What Apprehension
 " may there not be justly entertain'd
 " of the Proceedings of many Others in *that*
 " *Commission* less capable and sufficient, in any
 " other

other COUNTY? For, *God* forbid, it should be imagin'd there are any less so in *Middlesex*, where Ability and Honesty are daily so much wanted. With what Caution and Circumspection should they not be appointed? And what Subject of Concern is it not, for any one who has your Lordship's, or shall have any other great Person's Honour in your eminent Station hereafter, at Heart, That it should be so little in a *Lord Chancellor's* Power (what from the *Weight* of Recommendation, and from the *Number* that must be of course in the *Commission*) to *know* the *Characters* of those that you are to intrust? How little ought your Lordship, or any other in your Station, be censured, for *refusing* some, and *not* refusing others, when it is so little in your Power to be informed of every Pretender? I mention This, My Lord, for Your *Lordship's* Sake, as well as for the Sake of all those who shall hereafter succeed You in your great Station. The *repeated*, tho' very unjust *Censures*, I have heard pass'd on your Lordship, for *putting in* THIS Man, and *not putting in* THAT; has occasion'd it. I have likewise mention'd This, for the *Honour* of those Gentlemen in the *Commission*, whose Wisdom, Honesty, Discretion, and Zeal for their Country's Service, makes them, in the honourable and disinterested Discharge of their Duty, Ornaments to their Country, and to the *Reproach* of those, if there are any such; and, if there are, who best

best know themselves, who act *unworthily* in it. The Difficulty there is in coming at the Knowledge of the natural, moral, and legal Abilities of Gentlemen before they are put into the *Commission*, gives great Reason for wishing there was somewhere or other some *more immediate* Power of narrowly inspecting their Conduct in it: If the Case of the *poor* and meaner Sort of People is worth attending to, and if they are not to be left at Pleasure to worry one another; or, if they are not to be abused at Pleasure by the Rich: and if both Rich and Poor are not to be under an *arbitrary* Awe of a *Justice*.

Most certainly too great Care cannot be taken by *Gentlemen in the Commission*, on the very first Instance: Beginning even with receiving carefully, and with Concern for the unknown accused Party, the *Information*; but above all, in the *Examination* of the *Parties* before him. For all that passes *after this*, that does not end in Conviction on *Trial*, is direct *Punishment*, and makes their *Act*, in a strict Sense, *illegal*. At the same Time I say this, I am as sensible as any acting *Justice of Peace* in the Kingdom, That there may be Reason for *Commitment*, where *Conviction* cannot be obtain'd. But I am as sensible, and, I believe, every intelligent Person will be so too, That it is in the Power of a wise and conscientious *Justice of Peace*, very often to prevent an *unnecessary Trial*, and that in so doing he acts fully as worthily, as when

he commits the *Guilty*. What a JUDGE is, on the Trial of a Person, a *Justice of Peace* ought certainly to be, between the *Accuser* and the *accused*, and consider himself a like *Mediator* between them. And that at the very *first Instance* of the *Accusation*, and before he grants the Warrant. The proper Character of a *Judge* is to be a *Friend* to human Nature; And in this Case, a *Justice of Peace* has an Advantage, which a *Judge*, as such, has not, while he has an Opportunity of shewing his Humanity to *those* he has never yet seen, nor perhaps beard of. And which it is very often his Interest and Honour (as in the Case of the Subject of this *Address*) not to see, tho' he could not prevent his *hearing* of them.

Was, My Lord, this *cautious Use* of a *Justice of Peace's Power* more commonly practis'd, we should not have so many *Commitments*, and so many *Discharges* and *Acquittments* without *Prosecution*, as we have. Poor People, however honest, are terrify'd at an *Accusation*, much more at an *Imprisonment*. The *Commitment*, to poor, honest, innocent *Minds*, is like the *Torture*; They are glad to get out of it at any Rate. Even tho' it be not without Suspicion of their Guilt, however innocent they may know they be. It was so, my Lord, in the Case of the poor *Servant* for whom I interest myself; who, however innocent she knew herself to be of the *Charge* against her, (and which the *Effect* has so plainly prov'd,) would have
given

given *any Thing*, nay, *all* she had, to get out of it on any Terms. And she had certainly done it, had I not interposed and prevented her. And it is not every innocent Person that has a Friend to stand by them, as she had in this Case to prevent her. The Allowance of *Bail* in Commitments on *Suspicion*, is an idle Thing in our Law, if it be intended as an *easy* Alleviation of the Evil or Scandal of an Imprisonment, for how few are there that can get it? Nor is an *Action* of *false Imprisonment* a sufficient Satisfaction for it, for how few are there that can get thro' with it? And when they *do* do it, how vastly does the *Amends* made them fall short of replacing them in the World as they were before their *Commitment*? All which Considerations should make *Gentlemen* who have the Power of bringing such Evils on *poor innocent Persons*, act with the greatest *Discretion*, tho' even by an Excess of Caution it should occasionally happen to fall out, that the *real Guilty* escape. It being much more a *Community's* general Concern, that the *Innocent* do not *suffer*, than that the *Guilty* do not *escape*.

I come now, My Lord, to make *another Observation*, and that shall be with respect to our *Goals*. And would to God, it was not so easy and natural a Transition from a *Justice* to them. I have often in Conversation heard the Subject of our *Goals* treated of; and the Representation I have heard given of the *State* of them, both civil and cri-

criminal, has as often begot great Pity and Compassion in my Mind. But I have had an Opportunity, in the Course of this *Transaction*, to know something of the State of them from my own Knowledge; enough to found a *Representation* on, that shall not be unworthy Your Lordship's Attention; nor that of any Nobleman or Gentleman in *England*, who has any Regard to the Happiness or Misery of his Fellow-Subjects. I have heard the State of our Goals often reproached Us by Foreigners both at home and abroad, whose laudable Curiosity, on their being *Here*, has led them to pry into the Execution of the inward Police of our Government. And what had I to do but to sit down and acknowledge the Justness of it? Good God! That no Great Man should ever rise up, and take Compassion on the *poor* People of *England*, with respect to Goals, and the Misery of them! But why do I make this *Exclamation*, when I am addressing myself to Your Lordship? Who have been pleas'd, out of Your great Tenderness and Compassion of Nature, to observe the State of them, and of our legal Imprisonments with great Pity and Compassion. You have observed for what Trifles People are left to worry one another, and its falling on the *Meanest*, has not lessen'd Your Commiseration. You have worthily attempted to redress this Evil, and have, in a Degree, successfully done it, tho', not in so great a one, as You desired, in *civil* Matters.

ters. And would to God, it would enter Your Lordship's, or some other honourable Person's Heart, to consider the wretched Oeconomy there is among Us as to our *supposed Criminals*.

Pray, My Lord, what were *Goals* design'd for, or what their Intention? For what, but to *secure* an accused Person till a proper Time for bringing him to his Trial? A *Goal* was never design'd to be a *Punishment* before *Conviction*. And if this be, as it is, the true Notion of *Goals*, with respect to those who shall be confin'd in them for very just Reasons, and on Trial found *guilty*, how much less should they be a *Punishment*, or an *Evil*, any more than the bare Confinement is such, to those who (from the Non-Infallibility of human Judgment) must sometimes, tho' innocent, be *sent* thither.

Our *Goals*, My Lord, are the very Sinks of Iniquity. They are the most lively Representation of a *Hell* that can ever be on Earth of it. If the greatest Wickedness, and the utmost Misery can be so. And tho' our Laws are grievously defective in respect of them, they are much worse, than, as the Laws are, they ought to be. And I am truly afraid I have Reason to add, by the Connivance of those in whose Power it is to redress it.

One *Accusation*, that Mr. R——— was pleas'd to charge me with, was *the having committed a Riot in the Goal*. I hope, My Lord, when the *old Gentleman* comes to see
humbly

humbly represented to *Your Lordship*, ' what
 ' it was that gave Occasion to this Accusa-
 ' tion, That it was my doing what I had a
 ' *Right*, and ought to do in the Goal, and
 ' what his *Worship* ought to have abetted
 ' me in, instead of threatening to send me
 ' to the Goal for it, ' he will break off all
 ' such free *Intercourse*, as by Reason of his
 ' Vicinity to one, or for *other* Reasons, I
 ' plainly experienc'd there was between
 ' them.

I was hardly any sooner in the Goal, than
 I had a *clamorous Demand* made me of *Garnish-
 Money*. Having never been in one be-
 fore on the like Occasion, this was a Dialect
 I did not understand. But, as I had in ge-
 neral heard of the *Impositions* that are prac-
 tised on People in such Circumstances, I re-
 solv'd, before I came, how to proceed with
 them. And so, on understanding they
 meant *Money in Behalf of the Prisoner*, and
 being told, ' It was Money that Prisoners
 ' always paid on their coming into the
 ' Goal,' I said, ' That what was their *Due*,
 ' they should have paid them, but that
 ' they should have no Money from Me but
 ' what I had a *Receipt* for.' To this I had
 immediate *Reply* made me, ' That they
 ' gave no Receipts *there*. The *Sum* demanded
 ' was *Twelve Shillings*. *Seven Shillings* by
 ' Way of *Garnish*, and *Five Shillings* for a Bed.
 This Demand was repeated with telling
 me, ' That were it not in Expectation of
 ' my coming, as she had no Money herself,
 ' she

‘ she should have been lock’d up in the Common Side, and a *Lock* (I think, was the Expression) put on her.’ I told them thereon, ‘ That whatever was their due should be discharg’d on her Enlargement; and ordering a Bed for her, for which, I said, they should be satisfied, I bid them *dare* to do any thing to her they ought not, or *refuse* her any Conveniency the Nature of her Commitment intitled her to, as they would answer it at their Peril.’ This peremptory Dealing being what I find they are not accustomed to, occasion’d very *clamorous Expressions*, ‘ How she should be dealt with if I would not comply with their Demands.’ Several Prisoners crying out, ‘ I am sure I have paid Garnish, and I have paid Garnish.’—But with setting them at Defiance, I left them for that Time. When I had been at the Justice’s I came immediately back again to acquaint the *unhappy Prisoner*, ‘ That there was no Likelyhood of getting her discharg’d that Night.’ And repeating my *Orders*, ‘ That she should have a Bed, and that they should be paid what was their Due for it,’ I left them.

As I came by the Prison in my return home about 9 a-Clock, I was willing to see whether she was likely to have a Bed or no; but I was told, ‘ She was lock’d up and I should not see her.’ Nor could I learn whether she had a Bed or no. Hearing the *Master* of the Prison was at a neighbouring Alehouse, I went to him to complain

plain I could not see the Prisoner. ' Nor shall You, says He.' At which peremptory Refusal of what I thought was *my Right*, I bade him, *as his Peril*, refuse it Me. He pretended then, ' The Prison was shut up, and that unless I had an Order from ' a *Justice of Peace*, He would not open it.' Finding no Favour was to be had where *Garnish* was not paid, I acquiesc'd, and went home.

This is all that pass'd between Me and the *Goalers*, and was, as I found next Morning, represented to the Justice, or so interpreted by his Worship, out of Respect to his Neighbours, as a *Riot* in the Goal, for which his good Worship told me, I ought likewise to be *committed*.—And this, My Lord, is the Encouragement which an *English Gentleman* receives from a *Justice of Peace*, for taking Care that *Goalers* be kept in Order, and abuse not their *Prisoners*. I cannot say, My Lord, whether I represent this to Your Lordship with more Shame, or Concern, at seeing such extraordinary Usage, and Construction, of a freeborn Subject's Actions in a free Country, by a *Magistrate*.

This Behaviour in the *Goalers* may, for ought I know, by some, be term'd a light Matter. But I own I have not that Opinion of it. The same Principle that made them do this, makes them on Occasion do worse. And were there to be, what there ought to be, a general Visitation of Goals, where there should

should be no Room for Apprehension of being left to the Goaler's *Mercy*, after his Cruelty, his Extortion, his Debauchery was complain'd of, this would be found but a light Misdemeanour, in Comparifon of what might be brought againft moft of them. But whence proceeds all this? From whence but from that scandalous. Praétice, and which is amazing to me, that an *English Legislature* can have fuffered fo long, ' That ' a Goal fhould be a lucrative *perquifitical* ' Poft, and be fuffered to be *fold*, and *paft* ' as fuch.' And that not only in the firft Inftance, but be *farm'd* out to others under them. It is not long fince I read in the *News*, That the *Gate-houfe* Prifon was let out from one Man to another for no lefs a Sum than 800*l.* a Year. And how, or which Way can fuch a Sum be paid, but from unjuft and inhuman Exaétions from the poor *innocent* Prifoners? I fay *Innocent*, becaufe every one, by the Law of *England*, is held fo, till lawfully convicted by his Peers. Well might the *Goal-keepers* tell the *Conftable* the Night the young Woman was brought into the Goal, ' That he would give him a ' Bottle of Wine, if he would bring him fuch ' a Prifoner every Evening.' And whence comes the common *Efcapes* that we fee daily happen out of Goals, but from the Corruption of the *Keepers*? And whence arifes that Corruption but from the Sale of their Places? For they that *buy* will *fell*. And thofe that *firft* fell, muft be tender towards thofe that

buy under them. It is in vain to say, what I have heard alledg'd on the Subject of the Disorders of Goals, ' That a Goaler's Place ' is a scandalous Employment, and none ' but Rogues will accept of it.' Let it be made an *honest Employment*, and honest Men will accept of it. And surely a Goaler's Place rightly understood is as *honest* an Employment as a *Lord Chief Justice's of England*; since one cannot well subsist, nor be of Use to the Publick without the other.

In order to be of some Use to the Publick, till the State of our Goals shall be enquired into, I shall mention here, before I quit the Subject, what, a *resolute Conduct* will do among these Lovers and Patrons of Iniquity, in their present Condition. On the *third Day* of the young Woman's Imprisonment, she was visited by a Gentlewoman, with whom she had lived a Servant; who, suitably to the compassionate Weakness of her Sex, on their *greedy Instances* for it, and high *Menaces* what they would do with her, unless the *Garnish-Money* was paid, was pleas'd to *pay it*. Soon after, I called at the Prison, and hearing of it, enquired, ' Who had *dar'd* to receive it, or to whom it was paid?' When presently *One* said, ' I did not receive it.' *Another*, ' I did not.' And so said a *Third*. By this, I say, may be seen how much Guilt is terrified at the Thoughts of being called to an Account, tho' in a *Goal*. And certainly, had not those *worthy* Persons who
sent

sent her thither, on setting her free, paid the Money back, somebody or other should have been found, who had receiv'd it, and it should have been known whether they had receiv'd it *by Law*, or No.

My Lord,

THE *two* preceding *Observations* naturally arose from my *Subject*. But I must humbly intreat your Patience, while I take Occasion; from the great *Affinity* there is between them, to deliver my *Thoughts* in a *third Observation* on another Matter, which is of the greatest publick Concern, and which I hope will not, at least, be thought less so, by my taking Notice of it, and that is, The *State* of our *LAW* in general. This has been lately represented to *Your Lordship* in an *express Treatise* at large; and I hope the many just and reasonable Reflections there are in it, of the miserable State our Country is in, by reason of the great Defect, and ill Administration of our *Laws*, will sooner or later produce some happy Effect for the *Relief* of it. How strange is it, That so many so liberally bred Gentlemen, Men of Sense and Virtue of the *Profession*, should have been in all former Times so meanly spirited, as continually to be disposed, to lay an Embargo on any great Attempt for the *Amendment* of That, which would ever be a grievous Burthen to their Posterity, and to their Country,

try, till it be amended! How strange! That Men, wise and good, should suffer themselves to be taken off from minding so great and so salutary an End to the *Community* of which their Offspring were to be *Members*, for the Sake of any temporary private Profit! Not considering what a Fund of Happiness they would have *entail'd* on their latest Posterity, in common with the rest of the Nation, by *reforming* it! For my own Part, I speak it ingenuously, I had rather be accessary, were I capable of doing it, to a *Reform* of the inward Constitution of our Kingdom, in respect to our *Body of Laws* between Subject and Subject, and the Administration of them, than I would leave to my Family a *Hundred Thousand Pounds*, were it in my Power. Our Ancestors have taken Care to guard Us against a Tyranny in the Crown, and they and their Posterity, have left themselves, their Posterity, and their After-Posterity to be *Tyranniz'd* every Man by his Brother. What Terms can be too strong, what Colours too bold to represent so great, so constitutional a Grievance? It is not for Me, My Lord, to pretend to point out Methods, *how* this Grievance may be redress'd. That has been worthily attempted by the *fore-mentioned Author*, and with great Modesty referr'd to *Your Lordship*, and Others his Superiors, who, I hope, will, on a proper Occasion, be as *willing*, as You are *able* to redress it. The utmost that I can pretend to, is, so far to join my Labours
with

with his, as to endeavour to rouse up a Spirit in those in whose Power it may at any time be to bring about so salutary and so desirable an Event.

I have heard one of the greatest Men *England* ever bred, and who knows the state of our *Laws*, as well as any one ever did (and every one but your Lordship, would think so did I name him) say, "That in a little Time, if Things were left as they are, it would be impossible for any Man to know what the Law of *England* is". But the voluminousness and multiplicity of our *Laws*, has been complained of above 120 Years ago, when they made scarcely a quarter part of what they amount to now. It was *then* that one of your Lordships greatest Predecessors expressed himself, when in the *House of Commons*, in the last of *Queen Elizabeth's* Parliaments. "Our *Laws* have so increased upon Us, that neither *Commons* can half practise them, nor the *Lawyers* sufficiently understand them". But why should *England* not be able to do, what has been done within our own Memory in neighbouring Nations? The King of *SARDINIA* very lately, and somewhat longer ago the King of *DENMARK*, have brought the *Laws* of their respective Countries into a Model, and made them knowable to their Subjects, and easy in their Administration. And shall such a Favour never be done to *ENGLAND*? Shall it never be known in *England*

land when a *Suit* shall have an End, or when we may be *sure* we have a Purchase on a good Title, or if we happen to have a disputed one, be *certain* there can be no Corruption in a *Jury*. Better, much better had we, for a time, lay By the usual Forms of Government, and establish a *Dietate*, or a *Decemvirate*, if a *Reform* cannot be brought about any other way; Than to live on, in the manner we are in, which sooner or later, if let alone, must, without the Spirit of Prophecy, entirely destroy our *Constitution*. But the Misfortune is, Men are so taken up in establishing or encreasing their own private Fortunes, that no Care is taken of the *Publick*. As if no "body", to use a great Man's Words expressed in Parliament, "was of Council for the Commonwealth to benefit the State thereof". The whole Bent of the present Generation seems to center in advancing their own private Fortunes, by endeavouring to get under a *Ministry*, or in railing at it, for no other Reason, but because they or their Friends are not of it; or for doing those very things, which if they were in their Places, I don't know what Reason any one has to think, they would not do themselves.

In short, on either side of the Question there seems, to me, to be but little *publick Spirit* left in the Minds of Men. What is every body's Business is no body's Business. No not even theirs, who by the Amplemess
of

of their Fortunes, and other Advantages of Nature and Education seem to have it *peculiarly* thrown in their *Way*, to be of Use and Service to the *Community* at large, in redressing the Evils which from time to time creep into a *Constitution*. No Man is so rich, or great, but *another* is *before* him in both respects; and consequently, he that is *behind* thinks himself *poor* and *mean* for that Reason. Thus every one seeking the Augmentation of his *private Estate*, or Honour, *That Nothing is to be done for Nothing*, seems to have taken Possession of the Hearts and Souls of the *gros* of *Those*, who ought to set better Examples to their Inferiors. As if *every Thing* was *Nothing*, save *Money*, and an *Encrease* of *Fortune* and *Honour*; and save *another Thing*, (which seems in a *particular manner*, to have incorporated itself into the *Temper* and *Constitutions* of *SOME*, who otherwise might very well have done it, to their immortal Honour, in their *present* Recess from *Business*) I mean, an *inveterate Spirit* of *Envy* and *Malice* on a disappointed *Ambition*. If *this* were not the *Case* with those *worthy Patriots* I refer to, Let any Man tell me, why our *weekly Craftsmen*, that shew *without-doors*, so much political Craft in each hebdomadary Performance, and *exclaim* so furiously *within* against the pretended Errors in the Administration, Why are they not induced, if over-power'd with that degree of publick Spirit they would be thought to be, to ex-

ert some parliamentary Wisdom towards the redressing some of our *constitutional Evils*? How much more would it not rebound to their Honour? What noble Foundation would they not lay for Fame and Glory, if, instead of gratifying their uneasy Passions, to the affrighting and confounding their poor Countrymen with their Insinuations of Male-administration; and thus weakening the Hands of those that *administer* the Force and Riches of our Nation against its Neighbours, they would shew the Greatness of their Talents, towards the refining of our Constitution from the Dross that adheres to it, and free it from the *Hecktick* under which it so strongly labours? Would not the being at the Head of a *Bill for the Reformation of our Courts of Judicature, the practice of the Law, an Attempt to new model the Law itself, to reduce it to a greater Certainty, reforming our Goals, providing a general Register for Lands, destroying the Gin-Shops, paving the Streets, and twenty other things which one might name for the publick Good, and which are greatly wanted*; would not such noble and generous Cares as these, infinitely sooner eternize their Fame, than a witty Paper fraught with a (so thought) happy Allusion against a Favourite-Minister, drawn from a *Roche*, a *Menzikoffe*, or a *Wolsey*? These Gentlemen, my Lord, may hug themselves on the *Effect* of their weekly Performances, on the Success of their Summer Expeditions in

into the Country, or *Winter Campaigns* in Parliament; but I beg leave to tell them That whatever be their Fate in their own Age, *Posterity* will do them *Justice*; and will distinguish between an honourable Exertion of their superior Abilities for the *disinterested* Benefit of their Country, which *it* might be reaping the Fruits of, and be handing them down to their after-Posterity, and between *Actions*, however specious their Appearance, that, as there is but too much reason given to think, had *only* for their *Motives*, a Spirit of disappointed Malice, Revenge and Envy.

I beg I may have leave to speak of these Gentlemens Proceedings as a *Grievance*, which myself and every other *Englishman* suffers by their Conduct. Did their Behaviour center only in the Goodness or Badness of their own Characters, they should, if I was *Prime Minister*, have Leave very sincerely to write on. But the Evil of their weekly Productions stops not here: The Hearts of Mankind are open to the Belief of every thing that traduces a Superior, be it true or false, and there is, by their means, a poysonous Venom diffus'd over the Nation, that worketh a Discontentment in the Minds of the People, from whence his Majesty's Enemies receive Strength and Courage to oppose his Measures. And, I am satisfy'd, the Nation's Affairs have been kept in the very extraordinary *Suspence* they have been so long in,

more by these Mens Means, than either by the unmeasured Ambition of a Queen of Spain, or by any national Jealousy in the Spaniard at our being in Possession of Gibraltar, or even from any Apprehensions we might have at Home, in case of a Rupture, for Hanover. I hope, for the good of my Country, we are in the Eve of seeing proper Measures taken to prevent this publick lampooning of an Administration, so indecent in itself, and so utterly inconsistent with all good Government. I wish it for the sake of having Success in our national Affairs, when the so much desir'd time shall come, that these virulent Gentlemen shall have the Management of them. I hope there is Wisdom enough in the Nation to have it done, without endangering that essential Liberty of our Constitution, the Freedom of the Press; if not, those Men, by my Consent, should be made Examples of, who by the abuse of so glorious, so peculiar a Liberty we enjoy, exclusive of every other Body-Political in the World, had endangered it. If Ministers do ill, Events will sooner or later declare it. And Gentlemen who are zealous with Honour for the Liberty and good Government of their Country, should wait till Events do manifestly declare themselves, to do themselves and their Country, and the Authors of them, Justice. It is a thing of too heinous a Nature to be suffer'd, first to cramp Mens Hands,

Hands, and then accuse them of the ill Consequence of their Proceedings.

But what are the *Charges* their doughty Performances are fraught with? What, but a continual Repetition of *old* Things, cook'd up in all the variety of Allusion, Allegory and Fiction, "That the Prime Minister is rich, and has built him a fine House: That we are the Dupes of our Allies and of Europe, and that the Administration is Expensive, not to say profuse". Their Papers and their Speeches for two or three Years past, have only rung *Charges* on these three Topics. And what are these *Peals* rung for, but as the *passing Knell* for the *expiring* of one Man's Administration, and as the *Wedding-Peal* of Another to his Place? As if it matters at all to the People of England in general, on whose Shoulders it shall please his Majesty to ease the Burthen of Government. Whereas there is not, in the fourteen Millions, the People of England are supposed to consist of, hardly one but who is a Gainer, when Things are carried on well, and who is not some way or other a Loser by any grievous Mismanagement, by whatever means it is brought about.

But what are these *excessive Evils* of Government under which we labour, and labour which such furious, foaming Outcries are weekly made? What *great Minister* ever had we in our Nation, that did not take care to see himself paid for his Pains?

That

That did not raise to himself a *Fortune*, and build for himself and his *Posterity*, a *standing Monument* of his Greatness? No *prime Minister* ever was, for any time, that might not do it, and none, I think, as it may certainly be done with *ministerial Honesty*, at least, who ought not. The late Earl of Godolphin is brought as an Instance of One that did not do this. But what Occasion was therefor one whose Family was to inherit a *Duke of Marlborough's* Estate, to provide one for himself? If it be really true he did not do it. One would think, by the *Clampus* they make at a *Haughton-House*, they had never heard of a *BURLEIGH*, or a *HATFIELD HOUSE*, a *NORTHAMPTON*, or a *SOMERSET*, a *KNOWLE*, or an *AUDLEY-END*. What gave rise to your *SEYMOURS*, your *CECILS*, your *SACKVILLS*, *HOWARDS*, *VILLIERS*, *HIDES* and *OSBORNS*, and to many other Families I could name, but the *Founders* of their Families, being in the same or like Station in their times, as our present great *WALPOLE*, is in his? And why should his *Posterity* appear with less Lustre in their *successive Generations*, for their Ancestors great Abilities and Services to his Country, than the *Descendants* of those I have instanced in, and of others I have not mention'd, do appear, for the same Reason, in *Ours*? If an *Estate* cannot be acquired, nor a *House* built

built by a *prime Minister*, but on the *Spoils* of the *People*, How comes it that our Nation has been, in all preceding Ages, since the respective Times of those that have built them, so *poor Spirited*, as not to have pulled them down about their Builders, or their Posterities Ears, long ago?

My Lord, I am very little solicitous, from what Motives I may be thought to make this warm Representation of this *Matter*. I desire what I have always desired, That what I say or do may speak for itself. I will, however, take the liberty to add this, that if I had not a greater regard to the real Interest of my *Country*, than I have to any *Minister's* particular Interest whatsoever in saying it, I should not have said this after I had printed with so much known Reason, the Word *Disappointment*, before, in *Capitals*. But MY COUNTRY and my KING for ever ! is my WORD. And God forbid the least Thought of any private independent Interest of my own should ever come in my most secret and inmost Thoughts, in competition with it. I am for the Peace and Happiness of Mankind in general, and in particular, and matter not by *whom* so great and so good an Event is brought about. He that *does* his best to promote so glorious an End, I will ever be a Friend to; and he that KNOWINGLY obstructs it, will I be an Enemy to, be he, who he will.

The

The next great Charge is, "That we are become the *Dupes* of *Europe*, and in particular of our Allies; the *Cardinal* and his young *Master*." And I must own that to those who will not look into the possible bottom of Things, which may be done without being of the *Cabinet*, there is but too great a Handle, by the long tedious *Suspence* our Affairs have of late been in, so contrary to the natural Genius of our Nation, who don't love a *quandary* Situation, and whose Interest it is, not to be, if possible, in one, for this *Objection*. But the *Ministers* themselves are not better able to account how this has happen'd, than those who have set themselves at the Head of this scandalous Imputation: Nor are they better able to justify themselves for it, than those are who impute it to them. These *Gentlemen* know very well, without standing in need of being told it, that what has been done in one Age by one *Ministry*, is no manner of Rule that the same may or ought to be done in another, by another *Ministry*. They cannot be ignorant that it is as well the highest Wisdom to *temporize* at one time, as to act with the *briskest* Metal at another. Let them shew that the *Hanover-alliance* was weakly, ignorantly and unnecessarily made. Let them shew that the Moderation his late and present Majesty have shewn towards the Preservation of the Peace of *Europe*, was not more humane, more

more godlike, and more reasonable, (when *thus* practis'd,) to promote it, than to have gone rashly to set the World in a Flame ; of which, no mortal Man could, as Affairs were situated, and Alliances were form'd, have known What had been the Consequence. Let them shew, notwithstanding the acknowledg'd disagreeable State of *Suspence* we have been in, that it is *worse* than the unknown, tho' easily imagin'd, Consequence that had follow'd a contrary Proceeding. Since *Europe* was *Europe*, let them name the Age when it was divided into *two* such *opposite Alliances*, so general, and in appearance of such equal Strength, as the two *Alliances* of *HANOVER* and *VIENNA*. Who would have been the Man to have *vainly* dared to set Fire to such a *Combustion* ? Not one, I dare say, of these Gentlemen, had they had the so much desir'd *Pre-eminence*, who find such fault that it was *not* done. I have a better Opinion of their Judgments. What a *general Desolation* must not all *EUROPE* have felt long since, if the two Parties had not found themselves pretty equally poiz'd, and each been afraid to lead up the *fatal* Dance ? For what was done in *Spain* was only *flashing* the *Prime* when the Piece was not charg'd. How glorious must it not be for *England*, to the latest time, to have had, in so critical a *Juncture*, for the *universal* Happiness of *Europe*, two successive Princes, blest with an *Ad-*

ministration, who were, in appearance, content to sacrifice for a while, the Interest of their own Country, for the common and more general Interests of Mankind, and that at the certain Hazard of being exposed to be *calumniated* for it? Such a generous, such a humane, such a godlike Conduct, cannot be sufficiently *consider'd* in the Age it appears in; nor will it be thought sufficiently admired and praised by the latest Posterity. Without Favour or Affection, or any Attachment to one Man rather than to another, 'tis my Opinion, that neither Weakness nor Wick- edness made them come into it, but a View only to the general Tranquility of *Europe*. For my part, I am one of those who take *this* to have been the *Measure* of the late *King's* Conduct at first, and what has in- fluenced his present Majesty to imitate his Royal Father's great Example. If such a Con- duct draws not down, from Heaven, a Blessing on that Nation whose Princes pra- ctised it, what providential Justice can there be expected in the Affairs of Men? But unquestionably it will be accompanied with a blessing: And I don't in the least doubt, but we shall see it in the Success we shall have in our Arms, if at *length*, through an Abuse of our past Moderation, we shall be rous'd up to make use of them. The Calamities of *Europe* will, in that Case, most certainly lie at the Door of those who occasion'd them, and who will, un- doubtedly,

doubtredly, be made to pay a very severe Reckoning for bringing them on the World.

— But our *Trade* has been interrupted.

— But has *ours* only been so? Where, or in what Country has it met with Interruption, save only in *Spain* and the *Spanish West-Indies*? And have we been so unequally dealt with, as that *ours* only should have suffered in this respect, and not that of our *Allies* too? Or if the faithless *Spaniard* has committed *Pyracies* upon us, was it prudent to set *Europe* in a Blaze immediately, while there was any Prospect of having Amends made us, and Matters amicably adjusted? Have not the *French* and *Dutch* Merchants equally suffered with our own, for want of their *Returns* by the *Galleons*? Nay, have not the latter at least as much, and the others six times more? Are not even our Enemies themselves, the *Spaniards*, in the same *Præmunire*, by the unpeaceable Measures of their * *peaceable Minister*? And shall nothing of all this be put into the Account? *Quicquid delirunt reges plectuntur Achivi*, is not only true of a Court with respect to its own Subjects, but with respect to other Nations and Countries too. 'Tis a hard Case, but it is too true a one, and it is the present Case, That the Fortunes, Tranquility and Happiness of Nations, of-

(*) *Marquis de la Paz*, i. e. the *Marquis of Peace*.

ten depend on the single Caprice of a Prince or his Minister, or on their united Management, and that for a time inevitably.

If what has been said is not sufficient, there are other *Considerations*, which may be very well guessed at, without being in the Cabinet, to have had their *Weights* in the present Juncture of Affairs, hitherto at least, with our *pacifique* Ministers. *England* is no more now what it once *was*, than *Europe* itself is. How has been the State of *Europe* changed within these 150 Years, by that accursed Practice of the Sovereigns Daughters carrying away with them their States and Principalities in Marriage: Thus became the *Austrian Family* aggrandiz'd within the Space of a few Years, to the Unsettlement of *Europe* for a whole Century. And on this Supposition or Pretension, did the late *French King* set out in his Quest after *Glory*. It is pity we could not have had the *Blessing* of his present Majesty's Family to reign over us, without being *concern'd* at all the more, in consequence thereof, on the Continent. Few Happinesses in this World come unmixt: But it would have been better for us to be so ten times, nay, a thousand times more than we are, by the Junction of the *Electorate* of *Hanover* with the Crown of *England* under one Head, than to have been without that *great Blessing*. I mean to those among us, who, I trust, make the Body of the Nation, who are for the Preservation of our civil Liberties,

berties and the Protestant Religion. That those who are not for it, or to whom it is indifferent to preserve these invaluable Privileges, may think otherwise, I don't at all wonder. And if it shall so happen, that any Prince will attack the *Electorate of Hanover*, for what the Sovereign of it does as *King of England*, is there that Man in *England* who values himself on being a *Protestant* and a *Freeman*, who would be content the *Electer of Hanover* shall be a Loser by it? So much as to question the possibility of such a Thought's harbouring in a true *BRITON's* Mind, would be an unpardonable Uncharitableness. And if this be doing Justice to every private honest *Briton*, how much more is it not doing so to a great Minister, to think so of him, as of *one*, who, having a great and laudable Sense of Gratitude to Providence, for raising us up his Majesty's illustrious Family to govern us, when our last royal Line was extinct, and to save us from the Jaws of Popery and Destruction, will *dare* to do what he *ought* to do, will (were there no other Reason for it, which, however, has not been the late Case) *temperize*, will not advise the *doing* that which might be a prudent Resentment in a *King of England alone*, when the *Electer of HANOVER* might suffer by it. And what would be in that Case the *Sentiments* of a wise and grateful *Minister*, ought to be acquiesced in with Applause (whatever Oc-
casion

casional suffering a Conduct conformable to such Sentiments, may bring with it) by a good and a generous People. But when I have said this, I must own, That if the time should ever come when it would be *possible* for us to weave ourselves out from too nearly interesting ourselves with the Affairs of the *Continent*, consistent with his Majesty's Satisfaction, (for I would not have the Loss so much as of a Hair of his Head, accrue to him, of his hereditary Dominions, for what his Family has done for us, in accepting of our Government,) But, I say, if ever such a time *should* come, consisting with his Majesty's Honour, 'tis great Pity but it should be embraced; for then should his Majesty become a GREATER PRINCE, and ourselves a *greater People*. I shall conclude this Article, with a Citation of a Piece of Advice of President *Jeannins* to Henry the 4th, which ought certainly to be put in practice by all *Ministers*, that have the Care of a Publick committed to them, in these Words, " Le
 " bien que les Souverains desirent, a leurs
 " amis, et allies, et le mal qu'ils veulent a
 " leurs Ennemis, ne doit jamais avoir
 " tant de pouvoir sur Eux, que le soin
 " de *conserver* leurs Estats et Sujets.

As to the expensive Profuseness of our Administration, which is the *third* great Topick our Ministers are railed at by, whatever there has been of Truth in this Accusation, of which what there has been,
 is

is better known to others than to myself, The Times are likely to be so no more. They seem to be disposed to wear another sort of Complexion. Had the *Craftsman* writ always as commendably as he did the Paper on the Subject of *Pensions*, he had deserved the Thanks of his Country, instead of meriting so justly the *Censure* of it. While the whole Faculties of his Soul, have now been these two Years employ'd, in traducing and vilifying as a couple of *Fools* and *Rogues*, from a Spirit of Malice and Envy, TWO MEN, whose political Capacities and Abilities have been experienced above these twenty Years; and whose *ministerial* Honesty and Integrity has been found as great, as any that ever had their Places; and who *once* were, perhaps, never had in greater Esteem on both Accounts by any, than by this *present* solemn Detractor of them. And as to the pretended *Mercenaryness* of the Parliament, a very common *Imputation* with him, I believe it is compos'd, at present, of a Set of Gentlemen, who have as much at Heart, the Preservation of the Liberty of their Country, as any of their Predecessors ever had. And *should* there be any of them who are content to be influenced by a *Place* or a *Pension*, to do an *honest* Thing, I dare say there is not one, who will suffer himself to be influenced by either *one* or the *other*, to do a *dishonest* one. In short, were it true that we have been, are, or may

may be more *profuse* than needful, I think it but of very little Consequence to any particular Subject, be he of what Quality he will, if an Administration is more profuse by fifty, or a hundred Thousand pound a Year than it need be, but it is of infinite Consequence to *every one*, whether a Man shall have a quiet Enjoyment of his *Property* or no, or Security of his *Person*, or when either of those inestimable Privileges are invaded, shall have an easy Access to the recovery of one, if unjustly taken from him, or an easy open manner to restore to himself the Other on an Invasion of it, and make himself ample Satisfaction for the Injury receiv'd.

By the Constitution and Frame of our Government, the *King* has a *discretionary Power*, and his *Ministers*, or those whom he shall think fit, to ease himself of the weighty Administration of Affairs, have the same vested in them to act as shall be thought best for our Safety in respect to foreign States; and neither his *Majesty* nor his *Ministers* are to be arraign'd by every prophane Scribler, for the Measures that are taken in doing it, (where there is no palpable appearance of a tendency to destroy the Liberty and Religion of the Nation, as there was in the latter End of the late *Queen's* time) with any more reason than a publick Censure is to be allowed to be made of every private Gentleman's Conduct of his private Fortune.

Govern-

Government, with respect to foreign States, is a mysterious Thing, and such Junctures may fall out, when the best of Measures may be taken, and the greatest Wisdom and Care made use of, and yet not appear to By-standers, that it has been done. Great Latitude ought to be allow'd with respect to *foreign Affairs*, because so few Things depend, after Men have done their Best, on their own Power ; or which their, or any human Wisdom can answer for the Effect of. But surely it is not so, with respect to the *Internals* of a free Nation. Any *Government* that pleases, is *Master* within itself. A *King* indeed cannot, and God forbid he should, be able to alter the *Law*, of himself, whatever miserable Condition it is in ; and the unhappy politick Situation of Affairs in *Europe*, which, is the Case at present, and has long, of late, so necessarily required the Intervention of the Ministers, together with the necessary Care for their own Preservation, against the Malice of their Enemies at Home, so wholly engrosses *their* Time, that they are in some measure to be excused for not taking on them the Direction of any *great Reformation*, where wanting, for the internal Welfare of the Kingdom : But that the *Representatives* of a free People, should bear the *feeling* of so great an Evil, as the confused Bulk of our Laws, and their Administration, and many other constitutional Evils we labour under, and which call so loudly

for Redress, and not be moved at the sight of the miserable State of their Country, by reason of it, is very amazing.

I hope however, my Lord, the Time will come, and that your Lordship will live to see it, when the Courts of *Westminster-Hall* shall pride themselves rather in seeing *which* ends its *Term* first, and on having nothing to do long before the last Day of it comes, than to continue to glory on, which sitteth longest on the last Day of it. When I was in my Travels, at the Court of the King of Poland, the Polish Gentlemen, and particularly that most amiable Man, the present Treasurer of Lithuania, General Poniatowsky, used to delight himself, by virtue of the supposed common Freedom of our respective Nations, in calling me *Brother*. This was an Appellation I could by no means admit of, by reason, as I told him, "That Country was only *free*, where there was one common Measure of every Inhabitants Freedom, which was very far from being so in Poland, where a Gentleman could dispose of his *Tenants* as he could of his Horses or *Lands*." But if I would have discover'd the Nakedness of my Country, how little reason had I; on this account, to except against the Relationship? Or to imply it was not so, in some manner, in England; where altho' we cannot be bought and sold of one another, yet, I appeal to your Lordship, as the Case is with us at present,

present, whether it is even in your Lordship's, or in any Judge's Power, wholly to prevent, *That he that is Master of the greatest Fortune, shall not, on many Occasions, keep out another from the Enjoyment of his Right, that has less Money, and, perhaps, debar him through the Expensiveness of Process, from ever enjoying it?* And I should be glad to be told wherein lay the great *Difference*.

I shall proceed no further on the inexhaustible Subject of the *Defects* of our inward national Oeconomy. But conclude with saying, 'That if all the general Laws in relation to the Subject were reduced into a reasonable Volume, and a new Sanction given to them by the Legislature, (a Thing, in my Opinion, that should not be, in its nature, impracticable;) a thorough *Amendment* made in the *Practice of the Law*, in the respective Courts; a *Regulation* of the State of the *Goals*, both Civil and Criminal; an *Introduction* of a general *Register* of Lands in the Kingdom; and a Method found out of putting it out of the Power of a *Sheriff* to model a *Jury* in any Case whatsoever, we should go a great way to take off that gloomy Aspect, under which the very last Breath of our Constitution seems ready to expire, or, at least, under which it lies *Dis-eased* beyond all Hopes of Recovery, any other way.

I shall close my *Observations* with the following *Conclusions* relating to the *two First* of them; which I shall humbly throw, as my *poor Mite*, into the publick Treasury of *Advice*, of much more knowing and more experienc'd *Counsellors* than my self, and leave the Reasonableness of them to speak for themselves.

That, particularly, in *Middlesex* and *Westminster*, fewer Justices of the Peace be appointed, and only Men of *known* Capacity, Integrity, and reasonable Fortunes. And that some Method be found out to come at a greater Certainty of their *true*, Characters in every one of these Respects than is commonly practis'd.

That no Man have the Commission in an honorary Way, without acting in it.

That *free* Inspection may be had of Commitments, and the *Causes* of them.

That great Care be taken how that *new Regulation* of their Worships is apply'd, of not *interfering* in one another's Commitments.

And that a *particular Power* be given to the most eminent for Honesty and Ability in every Quarter of the Town, to *revise*, on the *first* Application, the Commitment of any other Justice. Since by this Regulation of theirs, for which, to their *Honour* be it spoken, I must acknowledge there was great Occasion, has, in Effect set aside the general Power there was of doing it before.

That

That no Goal-keeper's Place, be ever fold.

That 500*l.* a Year be paid by each County, in general, to the Goal-keeper of the County Prison, with a reasonable Augmentation to the greater Prisons in and about *London*.

That it shall be *capital* for any *Goaler* to receive a *farthing*, under any Pretext whatsoever, from any Prisoner.

That publick Visitors be appointed of Goals, who shall be bound monthly to examine the State of them ; and report them to the Lord Chief Justice of *England*.

That in all *Goals*, as much as may be, distinct Apartments be made for distinct Crimes, and degrees of Them ; there being few young Criminals but are made worse by being once in a Goal.

And that some Method be found out to prevent so many natural born *Englishmen* from rotting in Goals, through the Cruelty of their Creditors, and spending their Days in a miserable Confinement, without any Advantage to themselves, or those that send them thither.

Punishment for not paying Creditors ought to be, as it is by our Law appointed, *Confinement*, and *Confinement* only. But what Extortion is there not exacted from them by their Keepers, if they have any Thing when confin'd, to maintain them ! and what miserable, inhuman Wretchedness
are

are they not reduced to, if they have nothing! Therefore,

That better Accommodation, and a Maintenance be provided for them; or that a Method be found for them to work in the Goals, in order to gain it.

The doing this, in particular, would take off a great Reproach from our Country; and make us a little more consistently, as a Nation, deserve the Character which we have born, (but which we shall falsely bear, while the Barbarity of our Prisons remain unreformed,) ' That of being a good natur'd People.'

I shall conclude all, with the following Quotation of a Passage I meet with in *Townsend's Collections*, concerning the Manner how *Justices of Peace* were formerly appointed, not knowing how they are, now. — ' Let us see whence these *Justices* do come and how they be made? ' It cannot be denied, but that all *Justices* ' are made by the *Lord Keeper*; Then he is ' in Fault, and none else. For my OWN ' Opinion, I have ever heard him to be a ' MAN both honourable, grave, and wise. ' So JUST that never was the meanest ' Subject so wronged, That he ever complained. Therefore his Justice cannot be ' tax'd. Ay, but his Care may, for he ' maketh them. No, I may more easily ' excuse him than ourselves; For he maketh none, but such as have Certificates ' commendatory from the *Justices of Assize*. ' Why

' Why, then *they* be in Fault. For it is
 ' impossible he should know the Quality and
 ' Sufficiency of them himself, but only *per*
 ' *alium*, in Trust, as by the *Justice of Assize*.
 ' No, the Gall lyes not there. For *they*
 ' neither are well made acquainted con-
 ' cerning them. But when any desireth
 ' to be a *Justice*, he getteth a Certificate
 ' from divers *Justices* of the Peace in the
 ' County to the Justices of Assize, for his
 ' Sufficiency and Ability. And they again
 ' make their Certificate to the *Lord Keeper*,
 ' who at the next *Assizes* puts them into
 ' Commission. And thus the *Lord Keeper*
 ' is abused, the *Justice* of Assize abused, and
 ' the County troubled with a corrupt *Justice*
 ' put into Authority.

MY LORD,

I Should here have put an *End* to this hum-
 ble Address, were it not that the *delay* in
 sending it You, has given me Opportu-
 nity of hearing *some Objections* to my hav-
 ing concern'd *my self* at all in the Matter that
 is the Subject of it; and *others* to my ac-
 quainting the Publick with it. Both which
 I think proper to obviate, before I let it go
 out of my Hands.

I have heard it said, on this Occasion,
 ' That I should not have, at all concern'd
 ' my self in this Matter. That it was be-
 ' neath a Gentleman, to concern himself
 ' about the Interest of a *Servant-Maid*. If
 ' she

' she was *guilty*, why, she should be hang'd ;
 ' if not, why, she must have done as
 ' others in the like Case, be content to
 ' get off as well as she could. That I saw
 ' what a Risk I had run of my own *Cha-*
 ' *ra*cter, in my *Charity* for her; such a One
 ' as no wise Man, would have ever run on
 ' the like Account. To say nothing, what
 ' a *Suspicion* People would be apt to enter-
 ' tain of an Intimacy of, *another sort* be-
 ' tween Us.

' That, notwithstanding the apparent Ir-
 ' regularity of the *old Gentleman's* Proceed-
 ' ings, and ungentlemanlike Carriage of
 ' the *Knight*, and his *Brethren*, so injurious
 ' to me; yet, that it was better to lye
 ' down quiet under it. — Great Occa-
 ' sion for the Vigilance of Magistrates. —
 ' Letters from a *Secretary of State* to them,
 ' address'd to the *Deputy Chairman* him-
 ' self. They would be supported against
 ' Me. The Government Affronted, if I
 ' expose them. To say nothing how it
 ' would affect Me, in my *New View*, of
 ' entering into *Orders*. Concluding, That
 ' as they were *Justices* of Your Lordship's
 ' Appointment, and for other reasons, I
 ' should offend Your Lordship, my great
 ' Patron, &c.

In *Answer* to all which, I beg Leave to
 say, ' That as none of those *Considerations*,
 ' that refer to my acting in this Matter, in
 ' the *first* Instance, ought to have bindred Me,
 ' either as a Man, a Gentleman, or a Chris-
 ' tian

' rian, from *doing*, what I did ; and which,
 ' I think, I have made sufficiently appear
 ' in my *Apology* for it in the *former* Part of
 ' this *Address*: So I am persuaded, *none*
 ' that refer to my not *publishing* it, and
 ' acquainting the World with what my
 ' self and others have done on Occasion of
 ' it, *ought* to have that Influence with Me,
 ' as to withhold Me from it. And that I
 ' have nothing to fear in doing it, from
 ' any Offence, that can *justly* be taken by
 ' the KING, the *Administration*, Your Lord-
 ' ship, or any Body else ; save onely from
 ' those whom I *despise* too much to *fear* to
 ' offend. Thus I have the Misfortune, or
 ' the Wisdom, to differ *Point-blank* from my
 ' *Advisers* ; and it will be soon seen, by
 ' stating the *Motives* of my so doing, *Who*
 ' *has Reason*, They or my self. Besides, *My*
 ' Lord, to confess a very *weighty* Truth, I
 ' have *Ends* of my own to *answer*, by doing
 ' it ; which call highly that they should be
 ' *answer'd*. And I think it some Part of
 ' my *Reward*, for what I have done in this
 ' *charitable Case*, that I have so *just* an Op-
 ' portunity given Me to answer Them.
 ' I am *going* to take my Leave of *Civil*
 ' *Life*. In all Likelyhood shall have *actu-*
 ' *ally* taken it before this humble *Represent-*
 ' *tation* will reach Your Lordship, after be-
 ' ing long, and much known in it. This
 ' *Change* will, I question not, give Occa-
 ' sion for much Discourse. And since that
 ' is unavoidable, and knowing what I am

' to expect from the *known* Charity of the
 ' World, I am willing to prevent, as much
 ' as I can, its speaking otherwise, than
 ' *Truth* of Me. I hope likewise by this
 ' Means, to take off some of that *Contempt*
 ' that has been cast on Me, from the *appa-*
 ' *rent* Neglect that has been had of Me,
 ' so contrary to the justest Expectations.
 ' And while I have this in View, and
 ' am desirous to have it thought, that
 ' it has not been altogether because I
 ' had neglected my own Improvement,
 ' as not to have been capable of having
 ' been an Actor in Life, that I have liv'd
 ' so long a meer *Spectator* in it, I hope I
 ' shall have the general Approbation of the
 ' Publick, while I shew I have a great Re-
 ' gard to its good Opinion.

What I did at first I did as a *Friend* to
 God, to *Religion*, and to *humane* Nature in
 particular; and I shall never be *ashamed*, if
 I shall not *glory* in owning it. And what I
 shall do now, in *publishing* it, I do as a
 Friend to the *King*, the *Administration*, to
 my *Country*, to *Your Lordship* and to my
 self.

I shall add nothing to the general *Apolo-*
gy, I have made above, at the *Conclusion* of
 the *State* of the *Case*, for my concerning
 my self at all in the *poor Creature's* Misfor-
 tune; and I shall despise the little *Insinua-*
tions which have, and may, when it shall
 come to be more known, be still made, of
 my having had any *other Reason* to induce
 me

me to do as I did, but what was truly becoming a *Gentleman* and a *Christian* to have. And the idle Suppositions that have or may be made of any *By-reasons*, I can very contentedly bear, from those who either *have* or who *will* suppose them, for the sake of the *reason* that shall influence them to make them; which is, Because they have it not in their own *Natures*, to do, without some such mean Consideration, as I have generously done. And which *reason* was so far from having any Influence on Me, That I know not that I ever so much as passed a Reflection in my Mind what Sex the distressed Party was of, till I heard this *Objection* from the Propounders of it. I thought, indeed, my *Marriage* wou'd have screen'd me from any *Objection* of this nature; but I find, having an *exclusive Property* in one Woman, is, to this Race of Gentry, next to having *none*. I shall crave Leave, therefore, on this Occasion, not by Way of defending my self from their *Imputation*, for I condemn it, but out of *Compassion* to their *Infirmities*, and with a charitable View of rectifying their miserably *depraved Taste*, in one of the most material Articles of human Life and Happiness, I shall, I say, therefore, crave Leave to deliver, on this Occasion my Sentiments on that *important Point*, 'The Use of the Fair Sex'. There are too many I am afraid, that are too far gone in their debauched Principles and

Practices to be reclaimed, by any thing that I shall say: But as there may be others, already in Life, to be hoped, not irretrievably abandoned; and more daily coming into Life, which it will be an extreme Charity rightly to principle in a Point, the most likely of any for them to be seduced in; I shall lay before them some Sentiments concerning the *Converse* of the *Fair Sex*, which, if they appear as reasonable to them, as they do to my self, may be of Use to them.

Woman, MY LORD, is too *specious* an Object of the Creation, for one not to *think about*, when one once comes to *observe* them. And it well deserves our Consideration, in what manner they are to be dealt with. I have long since thought it necessary for my Happiness, to weigh well this *Article* of my *Creed*, and I found, that there was no *medium* between having a roving Inclination for every Novelty of the Sex one saw, or to retrench one's Desires, on the first Opportunity, within a sincere Complacency only for *one* of Them. The *first* of these is impossible to be fully gratified. Besides, that it is levelling our selves with the Beasts to indulge it; and doing our *Fair Sisters* but very little Credit, to consider them in the Light of Variety and Novelty, and not in that most aimable Situation, the common Parent of Man and Womankind design'd they should be seen and enjoy'd in, I mean, as a *Consummation*

mation of all human Happiness. These
 My Lord, were my Sentiments, when
 Young, and in the midst of an uncontroled
 Enjoyment of an easy Fortune. I could
 never have the Heart to build my own
 Happiness on another like Creature with
 my self her Misfortune. And it is imposi-
 ble, that any Man can *have his Will* with
 one of the *other* Sex, out of Wedlock, but
 her *Misery* must be, in the End, the Conse-
 quence of it. The World is not yet so
 bad, but *she* suffers in Reputation immedi-
 ately; and, not to speak of that visible Dis-
 order *within*, to be read by every observing
 Eye in any Womans Face, after the loss of
 her Innocence, what has she to expect, as she
 encreases in Age, but *Misery* and *Diseases*?
 And if she survives them, the *greatest of all*
Miseries, that of causing others to *sin*? What
Shoals of miserable Objects do not the *Streets*
 Swarm with? How many more are there
 wasting their Days, in the utmost Misery
 of Mind and Body, that *dare* not *shew* them-
 selves? Who is there that can make Re-
 flection on this, that deserves the Name of
 a *Man*, or of a Gentleman, who feels not
 Sentiments of Pity and Concern arising
 in his Mind, at the seeing so great a De-
 basement of such vast Numbers of human
 Nature? What Concern can be greater
 than this, but the *Horror* of their
 Minds who see it, and, at the same Time,
know there are, perhaps, many *curving* at
 that Minute, or who are dead, and who
 expi-

expired cursing *them*, and the Day they were born, for ever having been seduced by them? Women are endow'd with a *natural Modesty*, which was ever designed as their greatest Ornament and Defence, and their highest Recommendation to our Embraces, and which they would ever preserve, were it not from the Superior Temptations they meet with from their alluring Undoers. By which Means, from being the most ornamental Part of this lower Creation, they at once become the most monstrous and deformed. The *first* is, every Woman in her natural Modesty, the *last* is she, that has forfeited, or lost it. If Men were truly Men or Gentlemen, They would not think That an Affluence of Fortune was given them, to ruin and destroy the Beauty of the Creation, or for them to build their imaginary Transitory Enjoyments on the lasting Misery of their Fellow-Creatures; of theirs, whom God *made* as good, and as honest, and as worthy, as themselves.

I was not willing meerly to obviate all Sinister Construction, as to my self, in the Case in Question, but thought it not amiss to give a little Liberty to my Pen, on the Occasion; the Subject being so moving, and so important. As to my self, I have, on *worthy* and *right Motives*, chosen my self a Female Companion for Life; and because I have done so, have found an uninterrupted Happiness and Enjoyment in it. I had too much Honesty, to tie my self to a Woman

man I could not use well ; too much Stiffness in my Nature, to be able to use one well, I did not love ; and too great a Contempt for Money, to have it make *her* agreeable to Me, by *its* Means, whose Qualities and Accomplishments would not render her so, of themselves. As to Point of Fortune with a Wife, I am of Opinion, That that Woman brings enough with her, whatever be her Condition, that brings a Discharge of the Incumbrances, that she is willing shall attend her. It is the Vice and Weakness of Mankind that makes Marriage costly. It is that *Spirit* of *Profuseness* and *Prodigality*, occasioned by that wretched Education that is in Fashion in the World, *which* Men know not how to have the Courage to *controul*, and yet without often involving themselves and their Families in the greatest inward Want and Anxiety, know not how to *gratify*. And the *Ladies* themselves, would they act on right Motives, when they disposed of themselves, would find the Happiness, which the Friendship and Complacency of a worthy Man, would give them, at home, infinitely Superiour to that, which their indulging that restless Spirit, that seems to have taken Possession of the greatest Part of them, of seeking it abroad, and in all sorts of Pride and Vanity, yields them. There is nothing so much the Parent of all *Disorders of Life*, as the evil Manner in which *the Sexes* regard one another, and on which they generally come together ; and for which

which Reason, I think, either *in Season*, or *out of Season*, it cannot be too lively represented. And no Wonder at all, that *Marriage* is so much slighted by so many of all Degrees, as it is, to the reproach of Us, both as *Englishmen* and Christians, while the true Foundation of its Happiness is so little attended to. While the imaginary Satisfaction, that shall possess the Mind from being *drawn by a Pair of Horses* more or less, or the being attended on by a Footman or two more behind the Coach, or at Table, or from half a Dozen Dishes of Meat extraordinary, and from many other such fine and rational *preferences* that are daily given to, and that take place of that *poor pitiful Enjoyment*, which an Union and mutual Complacency of Minds, and solid Friendship between two Persons of a different Sex, accompanied with a true Courage of governing ones Self and Family according to the Dictates of right Reason, and not by the Opinion of the World, infallibly produces.

But, Thanks be to God, we are not without some Examples, where *Conjugal Affection* appears in its true Beauty. We see it in its *Glory* in our ROYAL PAIR; and there are many of the *first Quality*, and even *young ones* too, who dare despise the allow'd Libertinism of the Age, and to imitate their *Royal Master* therein. With what Reverence does not one behold these noble Characters! How different do they not appear in the sight of a reasonable Mind,
from

from all that *unworthy* CREW, who, without any Decency or Order, *live* on Wh—ing, and on the Spoils of the Honour of so many unhappy Women !

I come now to the other *Objections*, (after hoping I shall have no Occasion to make Apology for my *Digression* on the last)

That, notwithstanding the apparent Irregularity of the old *Gentleman*, and ungentlemanlike Carriage of the *Knights* and his *Brethren*, all which were so injurious to Me ; yet that it were better for Me to sit down quiet under it. — Great Occasion for the Vigilance of Magistrates, — Letters from the *Secretary* of State, to them. The Government affronted, if I exposed Them. &c.

To all which I beg Leave to say, ' That could there have been the least *publick Inconvenience*, whatever from my laying this *Case* before the World, no one would have been readier than my self to have sat down patiently under, and have had nothing to say, of my own *private Injury*. But I am of a very contrary Opinion to my *Advisers* in this respect. That very same Love, My Lord, for human Nature, and Hatred of all Oppression, which occasion'd Me *first* to act in this Case, has inclin'd Me, and even *forc'd* Me to lay the *Case* before the World. I think I consult the Safety of my *Fellow Subjects*, the Honour of my *Prince*, and the *Praise* of the Administration by doing it. My Cen-

sure extends no further than to *those* that shall be found to *deserve* it. And it is for the Credit and Honour of the *Administration*, to have all those that act unworthily in any Station, made known to them, and it cannot be too *exemplarily* done for the publick Welfare. *Slavery* will never *steal* in amongus (and it must come by stealth, if ever it approaches a *free* People) if every one, as he *feels* the Effect of it, will set himself against it. The undisputed Rights of a *Man*, a *Gentleman*, and an *Englishman*, are of too valuable a Nature, not to merit the being *jealous* of them. And the Rights of every one of these *Relations* have been broke in upon in my Case. I, for my part, will never bear to have, *tamely*, my Birth-right invaded by a silly little *Justice* of Peace, that will not suffer it, without complaint, from a wife and a great *Minister of State*. We are all *Englishmen*, and all alike equally entitled to the Privileges of *Magna Charta*, the *Petition of Right*, the *Habeas Corpus*, and to the *Solemn Declaration* of the Rights of the *People*. And those that are *in* Office, are only the *Servants* of those that are *out*. An unjust Thing done under Colour of Law, is worse than an unjust Thing done without that Colour. But as to these *Gentlemen*, by whom I have suffer'd, and and by an *Abuse* of whose *Authority*, I was in such near Danger of suffering *more*, as to *their* being *supported* against me, I know not what this means. I call out for no *express*

press Vengeance against them. For no more, than what *Opinion* of them, the Knowledge of the Truth of what *passed*, must and will beget in the Minds of every one, who first or last, shall come to the Knowledge of it. Nor am I desirous of any other Favour for myself, but what the Law allows. I know very well, that I have an Action at Law, of *Defamation* against the *Ladies*, and against *Old R——* himself; and I have been *advis'd* to take the Advantage of it. But I seek the publick Benefit, more than my own, in preferring *this Method*, of doing myself Justice; without, however, *renouncing* the Other. I look upon the *Censure* of Mankind as no small Punishment; much above that of a *Fury*. And I look upon the Means, which my Publishing the Case to the World, may be to *many* a poor *Fellow-Subject*, of preventing a *false Imprisonment*, with more Satisfaction, than I should on the greatest *Damages* that could be given me, in an ordinary Course of Justice—— But who are these *great Men* that I have to deal with, that I should be concern'd at the bringing them on the Stage in so *honourable a manner*? Does any Sacredness belong to their Characters? Are any Privileges belonging to them as *Englishmen*, or *Magistrates*, that I have not an equal Right to? Nay, is there any Superior Worth in either, or any of their *Characters*, for which they ought to be particularly revered? —— O Yes, 'One is

To avoid the fatal Doom; each Patriot's urg'd
To search out Guilt, and purge the Land of
Vice.

Religion's Advocates with Joy attend
His Labours in her Cause, with Gratitude
Confess his Precepts, and his Practice One:

SO should an ANGEL from the Skies descend,
They cry with transport; SO would HE inspire
Celestial Truths, and with BUT equal Zeal,
With like Success reform Mankind. Around
Stern CATO's Shade, ARISTIDES, and all
The Worthies of the antique World, glide soft,
And see, with WONDER, Virtue like
their own

Inflame a Modern's Breast, and modern Minds
Delighted with his Lore: In Days to come
They whisper on the Breeze, in Days to come
Thy Fame, O GONSON! shall with OURS
extend

O'er all the habitable Globe, and last
Till Nature sinks amid the gen'ral Blaze;
With us THY Ghost shall take her glorious
Seat,

And deal out Laws thro' all the Vast of Heav'n;
With us, conversing, thine Eternity
Shall roll, with Ours thy Name shall shine,
above

With Ours thy Virtues be ADOR'D be-
low,

And what are all these Divine Lines for,
that would have suited so well, both in
Law

Law and Gospel, a SOMERS, a TILLOTSON, or a SCOT formerly, a KING, a HOADLEY, or a CHANDLER, now? Would one think it possible, that a Man that had a Grain of *common Sense*, would have sung his own Praises in such high Notes, or set himself up for such an exalted Mark of Observation, for a few paultry Charges to a little Grand Jury? The *Law-Part* of which, no *Attorney's Clerk* in Town, that had served half his Clerkship, would not have equalled in giving an Account of those trite Things of Routs and Riots, Barrettry and Champerty, &c. and the *declamatory Part* of which, no Boy at *Westminster School*, in the fourth Form, but would have excelled. What *Profusion* of Sense does it not argue, to talk of *Aristotle*, and *Tully*, *Belles Lettres*, and *Patriarchal Right*, to a Parcel of *Shopkeepers*? But above all, what profound Knowledge does it not express in the vicious Freedom of the Age, to find out that in the *Libertine Writings* that infest it, which never, before was heard of? In Page 91 and 2d of the fine Collection of his Charges, which he has so pompously presented to every one of the *Juries* he has declaimed to, and who only, I believe, ever read them, you meet with these curious Words, 'There are several late Writers,' quoth he, 'who go under the Name of *Deists*, but are really *Atheists*, without GOD in the World, renouncing his Providence, &c. PRETENDING an

Inquiry

‘ *Inquiry after SENSIBLE IDEAS of the
 ‘ Spiritual and Supernatural Truths of eternal
 ‘ Life. ——— present such or their Wri-
 ‘ tings.*” Where the *learned Knight* heard
 of these *Inquirers after sensible Ideas of spiritual
 and supernatural Truths of Eternal Life*, I
 should be glad to know. I have, I own,
 myself been a humble *Inquirer*, in my time,
 into the divers *Opinions of Mankind on reli-
 gious Subjects*, but, I profess, I never heard
 of those that are here described. Nor did
 his *Worship* know what he meant any more,
 than they that heard him, or that read this.
 —If it be his Superior Worth that has put
 him into the *Chair*, God help the *Com-
 mission*.

But to what Purpose have these *Charges*
 been heap’d one on another? Is not the
Charge to a *Grand-Fury*, a Thing of a *con-
 stant Nature*, and is not the World full of
 them? Is there Occasion to say *That* in
 one, which ought not to have been said
 in another? Have not they been *seconded*,
thirded, nay, even *fourth’d* upon us from the
 same *Man*, to the exhausting of our Language
 for *Epithets*, (a) for them, in order to
 make a *Blaze* for his own dear, *precious be-
 loved self*, to be seen by? I have heard, in-
 deed; *two Things*, on Occasion of them, said
 by very good *Judges*, and by those too that
 should know, tho’ I cannot, by any Means,

(a) See P. 21. of this Treatise for a Catalogue of those
 already used.

come into what they say, which are,
 ' That they were *compos'd* for him, and
 ' that his Head is turn'd, on account of
 ' the imaginary Merit of them, and of the
 ' *most* eminent Station he is exalted to.

—— But their *two Censures* I can by no means allow. "Because, I believe his Head *stands* where it ever did, and his Judgment may be capable of producing, for ought I know, such stupid Performances.

Thus much for the *high and worthy Knight*, The *ARISTIDES*, the *CATO* of our Age. And as for his *eldest Brother*, let his Works (at the *Spinster petty Sessions*) (a) if he ever repeats them, *speak for him at Westminster-Hall Gate*.

If there was to be any *Comparison* made between *their Characters*, and *his* whom they have so *scandalously* abused, which, I think, a Dishonour to entertain the Thoughts of, or of the *Pretensions* which *He* or *They* have to their *Majesty's* Favour: Let them know, that there is hardly a *near* Relation that either of their *Majesty's* have abroad, That *He* has not had the Honour often to *eat* with, and to have enjoyed the very *particular Favour* of, and with more than *one*, of which *He* might not have passed *His* Life, in the utmost Honour and Distinction, could *He* have resolved to have forgot the *Liberty* of that Country, under which *He* had the Happiness to be born, or could have been content to *live*, where

(a) See p. 42, 43.

your Lordship, my *then*, and *still* most honoured, most beloved, and most revered *Patron*, was not.

And as to any Concern the *Ministry* (in which I beg leave to include *your Lordship*) may have in my making this *Case* publick, who, I must own, are more immediately concern'd in the due *Execution* of Justice, &c. I humbly answer, That for that very *Reason*, and because the *Justices* have been by his *Majesty's Ministers* extraordinarily called upon, to take care of the *Safety* of the Town, it becomes them the more, to see they involve not the *Innocent* in the *Crimes* of the *Guilty*, and if they do, the *Injury* is thereby made the greater. And as to *your Lordship* in particular, to whom I have taken the *Liberty* to address this *Case*, I think, as it contains an *Appeal* from the *undue* Exercise of Power in an *inferior Magistrate*, and as you will, in common, with the rest of the World, be now *first* acquainted with my *Intention* of so doing, and, as I hope, in doing it, I have, in all *Respects*, observed the *Decency* requisite in an *Address* to so *Great a Person*, I hope my *Freedom* will not stand in need of an *Excuse*. I began it when I thought myself obliged to have *Refuge* to your Lordship from the *greatest Oppression*. And to whom could I have, so properly had recourse to, on so weighty an Occasion, when my *Character* was in so great Danger, as to some *great Person*,

to whom I had the Honour to be long, and particularly known, and with whom I had the *Happiness* to be in some *Degree* of Favour? And when I resolv'd to make Use of the Occasion of this *Representation*, to convey some *other Sentiments* to the Publick, *different* from what *immediately* related to the *original Subject* of it, I continued resolv'd to address the WHOLE to your Lordship, because I knew no worthier Person, either on account of a super-eminent Degree of Virtue or Merit to address them to. They conspire to promote the same great Ends *your Lordship* have ever had at Heart, *the Good and Happiness of your fellow Subjects*, both as *Men*, and as *Englishmen*, and I humbly hope, the Goodness of the Intention with which they are wrote, should they be found destitute (which, I hope, however, they will not) of any intrinsic Worth to recommend them, will procure them a favourable Acceptance from your Lordship, and from all that shall read them. I hope I shall be pardoned the Ambition of shewing, on taking leave of *Civil Life*, after having lived long in it, That I have not lived altogether an unconcern'd, or an inattentive Spectator in it. I have now done with it for ever.

I come now to the *Last* Objection, that has been made to my publishing this Case; which takes its *Force* from the *manner* in which the doing it may affect me, as to the approaching *Echange* in my Life; and which, in all Probability, will be *compleated*, before this comes to your Lordship's Hands.

And, in the *first* Place, I beg Leave to say, That I am never afraid of *Consequences*, when I do what is just and right. To make this *Case* publick to the World, I am sure is so, as I am a Man, a Gentleman, an *Englishman*, and as not done out of *Malice*, (of which, I thank God, I am as free, as if I had received no *Insult* at all,) as a Christian. I don't think, by taking *Orders*, I shall cease to be an *Englishman*, Nor will the *Liberty* of my Country, to which, the *Proceedings* I have censured in the course of this Address, were greatly contrary, be *Then* less dear to me, than it is *now*, or, than it has ever been: Nor shall I think it less my Concern to see it remain *untainted*. If *Reason* be the Gift of God, much more *Liberty*, without which, *Reason* it self what is it? I think, what I have done in this *Case*, in the warm Manner I espoused the *Cause* of the *Poor and Innocent*, (and which was done by Me, God knows, little thinking ever the *Publick* would have heard of it, I look for a better Reward than the Praise of Men for so doing; but however, as it is now become publick) I think it as great

an Honour to my *Character*, as if I had had an *Archbishop's* Hand to my *Testimonial*. I mean, as to the *Qualification* of the *Heart*, not the most immaterial Recommendation of a Candidate for *Holy Orders*. I hope I shall not be the lowest of the *Order*, when of it, in other Accomplishments, but what I desire to reign in the Thoughts of Mankind for, is, and what I will, by the Grace of God, never give Occasion not to do, will be my *moral Accomplishments*; In my *living* what I shall *believe*. *Ut sentio, vivam*, "As I *profess* so I will *act*", is a *Sentiment* I have from my Heart long espous'd; and in the general, I thank God, I can say, have conducted my Life by. And according to which I am resolved, as much as shall lye in my Power, which, I think, is a great deal, always to conform my self.

' Either there is, or there is not a GOD,
' that not only has *made*, but that *superin-*
' *tends*, and *governs* the moral, as well as
' *natural* World. Either there is a *Rule* of
' *Action* for *Man*, and Either *He* is an *ac-*
' *countable* Creature, or not. Either there
' is a positive *Reward* or *Punishment* appoin-
' ted, or rather a *natural* one established in
' the very Constitution and Frame of Things,
' growing out, and resulting from the in-
' trinsic Nature of virtuous and vicious
' *Actions* and *Habits*, or there is not. Ei-
' ther *Christ* has given a more explicit *De-*
' *claration* of this *Rule*, and of its *Sanction*,
' than there was discoverable by the Light
' of

' of Nature, or he has not. And either
 ' he came into the World sent from God
 ' with a *divine Commission* to do it, or not':
 These are *Positions*, one or the other of which
 must be true ; and it well deserves the Con-
 sideration of every Man, of whatever Rank
 or Condition he be, to determine *which* is
 so. That Man, be he who he will, makes
 a most impertinent, unworthy Use of the
 Privilege of his Existence, who is *indiffer-
 ent* whether he be the *Subject* or not of
 some *supreme intelligent Cause*. And is only
 exceeded in Folly by Him, who in his Heart
 believes there is a *God*, and has no regard
 to the *Rule* by which his *Actions* are to be
 regulated so as to *please* him, and procure
 his Favour. As for *Myself*, I thought it
 long ago worth my while, and absolutely
 necessary for my Happiness, to consider
 What I *was*, and ought to do, as a *Man*,
 before I immers'd my self in Life, as an *En-
 glishman*. This drew me on to a careful Ex-
 amination what Relation I stood in to a *Deity*,
 of which and its *Consequences*, I 15 Years ago,
 gave your *Lordship*, in a private Letter, some
Account, and which has been lately *published*
 (a) by my *Bookseller*, with my Connivance, not
 merely to let those that please, see by what
Maxims the general Tenour of my *past* Life
 has been conducted, but for the sake of do-

(a) See a Letter to a Benchet of the Inner Temple,
 from a Student of the same House.

ing some Good, by setting an *Example* to *young Minds*, (and even to *Older*, who have *lived*, as too many, I fear, have, a great Part of their Lives over, without ever seriously having made this *first Step of Wisdom*,) of *descending into themselves*, and considering *Who or What they are*, or for *what End they were made*. This is certainly the *leading Thought* to the *Knowledge* of a GOD, as that is to the *Duties of Natural Religion*; and without having previously well considered *which*, a Man stands a very fair Chance of being, either an *Enthusiast*, or an *Unbeliever*, as to all *Religion reveal'd*.

I own very freely, I stuck *here* a great while; without proceeding to *examine* into the *Proofs*, of there being any *express Revelation* from GOD at all. But I was ever as far from *denying* the Truth of what I had not examin'd into, as I was after I began to *think* for my *self* from acquiescing in it before I had examin'd it. With my finding out a *Deity*, I had likewise discovered a *Rule of Action*, in which I thought I might very well rest, and without looking any further, with *Safety*, *regulate* my *Conduct* by. It was not clearer to me, That I owed my Being to some *Supreme intelligent Cause*, who had an *Idea* of me, before I *was*, than, that it must be his *Intention*, That I should direct all those *Powers of Action*, wherewith I was endowed, towards the *Improvement and Happiness*, (as far as they could *reasonably* carry me to do it.)
of

of *my own*, and other Beings *Natures*. For, the same *Motive* that could have induced him to give Creatures an Existence, must certainly have made him *intend*, that they should have *all* that Degree of *Happiness* and *Perfection*, which a right Use of the Faculties wherewith they were endued, and the *Relations* amidst which they were placed, could *yield* them ; and that it was the Duty of all rational Creatures, to conform their Actions *accordingly*. I saw it was very much in my Power, either to *Observe*, or to *Neglect* this great *Rule*, which result-ed with so clear an Evidence to me from my discovered Relation to a *Deity*. And setting myself, as well out of *Inclination*, as *Duty*, (for, indeed, it is a *Principle* as *amiable* as *cogent*) to observe it, I thought, I might very safely repose myself in the *Mercies* of a *Good Being*, if the *Sincerity* of my *Intention* should at any time fall short of being accompanied with an *actual Obedience*. With possessing my Mind with these *Sentiments*, I was intirely resigned as to the *Continuance*, or *Noncontinuance* of my Being. My *Existence* being what I had no manner of Pretensions of *Rights* to, and altogether in the Disposal of him that gave it me, My Business, I thought, was only to make a *due Use* of it, and contentedly leave it to be *extinguish'd* or *chang'd* at the good Pleasure of him who at first, from the same good Pleasure, without consulting me, was pleased to confer it on me.

And

And *Hethat* brings not this Reasoning concerning his own *Nature* to this *Point*, by whatever Principles he governs himself, must have made a very *imperfect Use* of his *Reason*, and must, *Great or Little*, be a *poor, silly, contemptible, unhappy Creature*. Religion is the greatest *Ornament* and truest *Glory* of our *Nature*, and a well grounded *Resignation* to the *Divine Will*, the only *Accomplishment* of all our *Happiness*.

Here I sit for a *while*, but with a settled *Resolution*, some time or other, to *examine* thoroughly into the *Authority* of the *Christian Religion*. I was ever much taken with the natural *Tendency* of the *Christian moral Precepts* to make us *Happy* here, and with the great *Discoveries* we have in the *New Testament*, of the *Excellency* of our *Natures*, and of an *happy Hereafter*. And as I have often, with *Delight*, considered *these*, I have wish'd I had sufficient *Inducement* to be *assured* they were to be depended on, before I had it. I have often heard it said, 'You have as much *Evidence* for the *Truth* of the *Christian Religion*, as the *Nature* of the *Thing* will admit of, But I thought the *Nature* of the *Thing* required *greater Evidence*. The deliberate impartial *Enquiry* I had made into the *reality* of *Religion*, and its *Consequences*, had possess'd my *Mind* with such *Sentiments* of *Happiness* resulting to me from it, that I was very unwilling to mix any thing of *inferior Evidence* with it. I
thought,

thought, That, notwithstanding many Things appeared to me great and good, and worthy of the Divine Being in the *Scriptures*, That the *Proof* of their being immediately *revealed* from God, lay at a great Distance, beyond all Possibility of giving me any compleat Satisfaction into their *Authority*. But I thought this, as I believe many others do, without ever *examining* into the *Proof* there is for the *Truth* of what they contain.

I have well examin'd *This*; and am come off with as *clear* a *Conviction* of the *Truth* of *Christianity*, as I have of the Obligation of *Natural Religion* itself. And I have, to my no small Comfort, found it to be no *violent* Transition from being a *sincere* *Deist*, to become as *sincere* a *Christian*. There are many (as I may not, I think, improperly term them) *auxiliary* *Proofs* for the *Truth* of *Christianity*, but the *real* and *direct* *Proof* lies to me, in a very narrow Compass. 'Is, or is not, the *Gospel-History* true, Or, is the *Evidence* for its being true, an *Evidence* suited to our *Faculties*, on Examination, to be determined *by*? Is the *Evidence* of *Testimony*, for *CHRIST's* having been on Earth, and wrought those *Miracles*, and inculcated such *Doctrines*, and his *Apostles* after him, such as we have for any *past Fact*, or is it not? And are we capable to judge of the *Credibility* of a *past Fact*, *Yea*, or *No*? Is it not as *certain*, that *Henry* the 8th reign'd 100 Years ago, as that *King*

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' *George*

' George the First reign'd 2 ? And is a Man of
 ' any reading less allur'd, that Henry the 8th
 ' reigned 200 Years ago, than that the Ro-
 ' man Commonwealib was changed into a
 ' Monarchy by Augustus, somewhat less
 ' than 1800 Years ago ? Is there not
 ' fully as much Evidence for the Introduc-
 ' tion at first, Propagation, and after Increase
 ' of Christianity in the World, as there is for
 ' the gradual Declension of the Roman Empire ?
 ' And is it not as apparent, that the inhe-
 ' rent VIRTUE of the first, concur'd to the
 ' one, as that the Vices of the Emperors, con-
 ' cur'd to the other ?' If Testimonial Evi-
 ' dence is to be adher'd to, at all, no possible
 Reason can be assign'd, why all these FACTS
 shall not be credited, and all ALIKE com-
 mand our Assent. And if so, there is an
 End of the Controversy. A Fact once esta-
 blished will for ever remain true, And what-
 ever collateral Difficulties there may be
 started, can never defeat its real Existence,
 and must be accounted for some other way.
 If that is not settled, the Dispute will then be
 about the Truth of a possible Non-Entity, and
 how senseless is that ? Facts may establish
 Prophecies, but Facts once proved, want not
 Prophecies to establish them. In short, all other
 Discussions on either side of the Question are
 but incidental, and of an auxiliary nature to
 this main Point of Matter of Fact ; and, in my
 humble Opinion, are Matters of Curiosity,
 rather than Consequence. If the Old Testa-
 ment was not in being, I should hold myself
 little

little the less obliged to be a *Christian*; Any more than were I not assured of the *Truth* of the fore-mention'd *Facts*, I should be dispos'd to become one, by it. *Christ* himself refer'd the *Jews* much MORE expressly to his *Works*, to believe in him, and *know* him by, than he did to the *Prophets* concerning him. And so does his *Apostles* after him. Whatever *these* say to take off the Prejudices of the *Jews*, which they had so strongly imbibed, from a wrong Interpretation of the *Prophecies* relating to him, "That *Jesus* of *Nazareth* could not be the "promised great *Prophet* they expected, The CHIEF *Argument* they bring to prove he was, was the *Signs* and *Wonders* he wrought, and the *Doctrines* he taught. And when he is preach'd to the *Gentiles*, not one Word of Application to any Prophecy is heard of at all. And whatever *Reference* may be made to them in any of *St. Paul's Epistles*, we ought to consider they were address'd to a mix'd Body of *Christianiz'd Jews* and *Gentiles*; and that it was for the sake of the *Formers Prejudices*, those *References* and *Explanations* were made. It was certainly much more for the *Consolation* of *former Ages*, than for the *Information* of the latter, That *Christ* was prophes'd of. And COULD it be prov'd the *Evangelists* were mistaken in the Application of every Prophecy they refer to, would it destroy the *Credibility* of the *Facts*, of the *Truth* of which we have such *additional* concurrent *Testimony*? Nothing

less. It might, indeed, perhaps shew, That we had a wrong Opinion of the *manner*, and *Degree*, in which the *sacred Writers* were assisted by the holy Spirit, in *compiling their Gospel*.

The *Providence* of God was only oblig'd to keep that Evidence *open* which was necessary for our *Conviction*, and not at all concern'd to gratify our *Curiosity*. If it was Necessary for the World, in after-Ages, to know, besides that *Christ* came from God, and brought the *Errand* he did with him, 'That he had been *prophecy'd* of, ' *Christ* has told us to *himself*, what Need is there for any further Evidence for it? If he was not to be believed when he says, 'He was 'the *Messiah*, ' why is he to be believed in anything else? And if he is to be believed, what can add to the Credit of his own Testimony? The *Question* therefore returns. 'Is it *Matter of Fact*, that *Christ* was in the " *World*, did such *Miracles*, and preach'd such " *Doctrines*, and have we a *reasonable Evidence* " of it? if we have, Our *Assent* to it, ought not at all to be shaken by any Difficulty about reconciling Prophecies, or the Application of them.

Now *Christ's Miracles* and *Doctrines* are, to me, unquestionably True, because *these* are worthy of the *divine Countenance*, and both are warranted by a *reasonable Evidence*, to have been actually *perform'd*, and *taught*; and, consequently, are manifest PROOFS of his *coming from God*: And, as he that comes from God cannot *Lye*, I give entire Credit to him.

I don't say all *this*, in order to *de-*
tract

tract from any additional Light *Christianity* may derive from the *Old Testament*, nor to oppose any reasonable Enquiry we are able to make, by the Help of it, into the great Scheme of God Almighty, in sending *Christ* into the World, but only that *secondary* Arguments may not be made *Principals*; and to guard against the ill Use which, I am afraid, is made of many *Proofs* derived from it. I am afraid the *Conclusion* is too apt to offer itself, on Occasion of the present Controversy, in many Peoples Minds, not otherwise thoroughly grounded in the Truth of Christianity, "That because of some apparent Difficulty of the Application of a *Prophecy* or two, the *Whole* is false: And that the Cause of Christianity must stand or fall by this *Dispute* about the Interpretation of many dark mysterious *Prophecies*. Whilst many others are *indifferent* about the Matter, because a Thing that requires so much abstruse Learning, cannot be *thought*, to be of that Consequence to them. This would never be the Case, if we always went on *right Principles*. *Weak* Arguments added to *strong* ones, make the *strong* ones *weak*. There may have been *Proofs* for one Age, that may have never been design'd for another. The *Jews* certainly are interested in the *Prophecies*; they are possess of them, and are the only *proper* Persons to be disputed with, concerning their *Meaning*. But I never understood the *Author* of the *Grounds* was *circumcised*. If he is, why does
he

he not declare it ; if not, and consequently believes not in the *Prophets*, what signifies the meaning of their *Prophecies*, to him ? And why is there that *Condescension* made to dispute with him, about *Prophecies* relating to *Christianity*, till he has set aside the *Facts* on which it is founded ? If he disputes out of *Curiosity*, let him dispute by *himself* ; if for *Conviction*, let him be shew'd the *Strength* of the *Cause*, and *wherein* it lyes. Those that agree not in *Principles*, may dispute to Eternity, and never come to any *Conclusion*. And I wish, with all my Heart, that all those who go under the Name of *Deists* were actually such, such, I mean, as they ought to be for a *Christian* to dispute with them concerning *Christianity*. Not *Materialists*, not *Eternalists*, but such as were persuaded, that GOD is, (what a *Possibility* of his giving a *Revelation* of his Will, implies him to be,) a *spiritual Being*, that made the *World*, and that governs it. I am sure to those that did acknowledge a God in this Sense, there would be no *Objection* to the Truth of *Christianity*, from any *Absurdity* in conceiving the Possibility of a *Miracle*. For what is a *Miracle* but some unusual or extraordinary Exertion of the *divine Power*. Nothing is miraculous to the Deity, all Things being equally easy to him. And every Exertion of the *divine Power* is, in a strict Sense, equally miraculous to us. And it is the unusualness of the Appearance, and the *End* for which an extraordinary Exertio

ertion of the divine Power is made, that can alone make the Difference to Us. God is set at so infinite a Distance from us, that we might very well have supposed, That there were many *Gradations* of Beings superior to us, were we not assured by Revelation there were. We are assured by the same Authority, that *some* of these *superior Beings* are endued with great Powers, and are capable, and disposed to exert those Powers, as we are those which we possess, *contrary* to the Will of God; but it is impossible that God should have left us without a *Criterion*, whereby to judge *when* any extraordinary Power is exerted contrary to his Will, or not. This *Criterion* must certainly be a *Consonancy* to the already known *divine Will*. As *Christ's* Miracles were to warrant the Truth of Doctrines calculated to promote the greatest *Veneration* of GOD in the Minds of Men, and for the *Improvement* of the Excellency of *human Nature*; he had most certainly *his* Power (as he said) from the FATHER.

—— ‘ But CHRIST’s Miracles were all
 ‘ a *Fiction*, an *Allegory*, and never had any
 ‘ real Existence in Nature. — Senseless
 Stupidity! As if so many Men that were
Witnesses of his *Miracles*, could in *Testimony*
 thereof, and of the *Truth* of what
 they asserted *concerning him*, have *unani-*
mously renounced all temporal Advan-
 tages, and exposed themselves to all those
 Hardships, and, *voluntarily* embraced Death
 itself,

itself, from the Power of meer Delusion ; or that such a great Alteration could have been brought about in the World, as there was, within the two First Centuries after Christ, by the Strength of *Allegory* and *Fiction* ! This was an Opinion reserv'd to be broach'd first in our Age ; I will not, for the Honour of it, say, *espous'd*.

If there were not something prodigiously corrupt in the Heart of Man, and an utter Aversion *naturally* in it, to the *Divine Life*, which Christianity was to introduce into the Souls of the Professors of it ; it would be impossible such mean *Shifts* and *Artifices* could be made use of to evade the *Conviction* of the Truth of it. But it fares with *Christianity*, as *Cicero* tells us, it did with the *finest Morality* of old, to be *suspected* and *bated*, and that for the *same Reason*. (a) The whole Passage in *Cicero* is too remarkable on this Occasion, to be pass'd over, I shall therefore insert it in the bottom of the Page. Were this not the Case, were it not for that natural Aversion we have for that *Physick*, which the Christian Religion administers to the Soul, what Reason can there be assigned for *ridiculing* a System that

(a) *Quidnam esse, Brute, causa putem, cur, cum consuemus Exanimis & Corpore, Corporis curandi tuendique causa quaesita sit ars, Deorum immortalium Inventioni consecrata ; Animi autem Medicina, nec tam desiderata sit antiquam Inventa ; nec tam culta posteaquam cognita est, nec tam multis grata & probata, PLURIBUS etiam SUSPECTA & INVIS A. Tusc. Quaest. Lib. 3. c. 1.*

is, in itself, and as deliver'd to the World, so manifestly calculated for the *Glory of God*, and the *Good of Man*? What Subject in the World is less *risible* in its own Nature than *this*? And what so *silly* as to *laugh* in a *wrong Place*? Would *light Minds* that are not come to be quite abandon'd, let but some of the great Points enter into their Thoughts which *Christ* came into the World to *ascertain*, as the *Remission of Sin*, the *Resurrection of the Dead*, a *Judgment to come*, and an *eternal State of Rewards and Punishments*, in consequence of the manner in which we shall have lived *here*, they would, instead of diverting themselves with some Incidents reported in his Life, of a less solemn nature, with-hold the Looseness of their Sentiments, and be led to think that he had very good Reasons for every Thing he did, tho' they may not comprehend them.

In fine, the Christian Religion appears to me, to have been left to be embrac'd and propagated, by God's Blessing on the Efficacy of *human Wisdom and Goodness*, in all other Things, but as to some extraordinary Performances at first, necessary to excite the Attention of the World to it, and to shew its *divine Authority*. This seems plain, to me, from the *Weaknesses and Imperfections*, which attended the first Propagators of it, in *indifferent Matters*. These *Imperfections* appeared very early; we have Accounts of them in the *Scriptures*. They were very *Honest* to let us know them, but we make a

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wrong

wrong Use of that Knowledge, to think they were not left pretty much to their own *Conduct*, in Matters in which the *essential Truths* of Christianity, the *Miracles* and *Doctrines of Christ*, were not concern'd. I don't know even how far this *Fallibility* might have extended in their Allusions or Applications to the Prophets themselves. But whatever is to be found of this nature, in the earliest Christians, or their more immediate Successors, it no ways impeaches the Universal Acknowledgement of the *reality* of the Great *Master of Fact*, in which they were all agreed, and all so ready to lay down their Lives in Attestation of. This *one Consideration*, to me, accounts for all the *Difficulties* that arise from the *State of Christianity* in after Ages. Mankind were endued with Faculties to judge of the Truth of a past *Revelation*, on the Evidence with which it was proposed to them, and they were left to the rational Use of their Faculties in determining their *assent* to it. Christianity found us *Men*, and left us *so*. And there cannot be thought on a more proper, or a more powerful way, to convince Mankind of all Ages, of the *Reality* of the Persuasion of *invisible Things*, than by a *suitable Life* and voluntary *Death* of Those who believed them. And had all those that professed Christianity in the succeeding Ages of the World, continued *Christians*, Neither *Mahometanism*, nor any *Sceptical Delusion* would ever have gain'd

gain'd ground in the World. — But alas! Where is *real Christianity* to be found, where is that well-grounded *Affurance* of the *reality* of Things that are *invisible*, which, by our *Religion*, every one of us ought to be possess'd of?

—— *Pudet hæc opprobria Nobis,
Et dici potuisse, & non potuisse refelli.*

'Tis ridiculous to contend for the *Truth* of that by *Argument* which we shew little Reason by our *Lives*, to be *thought* persuaded of. And which if we actually were so persuaded of, as we ought, would so *lively* express itself by our *Conduct*. To say *nothing* of the *Gross* of all Orders and Ranks of Men, who tho' Members of a *Christian Community*, live in the Indulgence of the most *vicious Practices*, that can be thought on, a *worldly selfish Interest* seems to have taken Possession of many of the *better sort* of Men, instead of that *noble Disinterestedness*, so peculiar to the antient *Professors* of the *Christian Religion*, and so naturally arising from the *true Spirit* of it. But it is a very unfair way to judge of the Truth of *Christianity* by the *Lives* of all that were or are of its *Denomination*, either of the *present* or *past* Ages, since it was introduc'd into the World. But an *Objection*, tho' very ill-grounded, that arises *hence*, is too commonly in the Mouths of the profest *Unbelievers* of it, that Mankind in the ge-

neral have *continued* much the same; and it is very true, that History shews us, that instead of *Peace*, Christianity has brought a *Sword* into the World, but it is the *Profession* without the *true Spirit* of it that has done it. If they would judge of the *Nature* and *Usefulness* of Christianity, let them look into the *Authentick Records*, that give an Account of what it really is, or into the antient *Apologists* for it; if they are able; or, if not, they may see a good Account (tho', I think, not so good as might be given,) *what Spirit* the antient and true *Professors* of it were of, supported by proper Authorities, in Dr. Cave's *Primitive Christianity*, or in *Fleury's Mœurs des Chrétiens*. In fine, nothing is so senseless an Abuse of our Natures, as to *assent* without *Evidence*, unless it be to *assent* and not to *act* accordingly. Either let *Christianity*, at once, be *given up*, or let it be *liv'd*, by those who *believe* it. And as for *Those* who do not believe it, I think it very contrary to the *Spirit* of it, not to let them live as *unmolested*, as if they *did*.

I hope, MY LORD, I shall not be thought, *impertinently*, to have employ'd my Time in giving a short *State* of my *Sentiments* in a Matter of so great *Importance*, Whatever is *defective* in it, will, I hope, be pardon'd me, on my Promise to make *ample Amends* for it, in the future. The Consideration of *these Things*, and what will more immediately relate to them, will soon
be

become my very *Business* and *Occupation* of Life. And I thought it no *indecent* Thing, for one so much known as I am, to give some *publick* Account of the *Grounds* I went on. And I was more particularly led to do it, because the *Success* I may hope for in my future *Profession*, will greatly depend on the *Views* and *Motives* with which I shall be thought to enter on it. The not succeeding in another *Course* of Life, will be apt to give but too great a Colour to the suspecting me of having mean *interested* unworthy *Views* in the *change* I shall make. And I think a Man cannot be too careful of his *Character* in any *Station*, but much more in *that* which I am about to embrace. Unquestionably the *Labourer* is worthy of his *Hire*, and he that *serves* the *Community* in recommending to them, to abandon *Vice*, and choose *Virtue*, to live up to the *Dignity* of their Nature, and to *Minister* in *Holy Things* for them (as if there be any *publick* *Worship* of a *Deity*, or *publick* Religion, of any sort, *some* must be appointed for this *Service*) deserves to be paid for his *Labour*, and for the good he does *Mankind*, no less than the *King*, or his *Ministers*, or than any Man in any *lower* *Occupation* whatsoever. But as the *Lucre* only of the *Pay*, or *Wages*, is a mean *End*, for a Man, *meerly*, or indeed, *primarily*, to propose to himself, in any way of Life, and as every one ought, from the *Chain* of Dependence *Mankind* are *linkt* together in, to consider
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the *Use* he may be of to the general Community, in the *first Place*, and the *profit* or *Subsistance* his Service brings to *himself* should, in reason, only be a *secondary Consideration* in his Mind, so much more ought he to think so in embracing the *Ecclesiastical Profession*. And did but a greater disinterestedness more universally appear in *Those*, who certainly by their *Callings*, ought more particularly to be *Examples* to Mankind, in this Respect, *Religion* it self, would be a *Gainer* by it, and would not be altogether lookt on with that *evil Eye* it is. Nor would they *themselves* be *Losers*. And this might very well be expected from those that enter into *holy Orders*, for surely there are other much more *noble* and *weighty Inducements*, than any that can be drawn from *worldly Interest*, to enter into *them*. For in short, what *State* of Life has those *Charms* in it, as that, where the proper *Employment* of a Man is, to be *influencing Mankind* towards the attainment of the most solid *Happiness* in *this Life*, and of an *eternal one hereafter*, and to be continually meditating on the *greatest Subjects*, in order the more effectually to *do* it. On such *Subjects* as have been the *voluntary Entertainment* of the *greatest Men* in all Ages; *Subjects* that will be ever *new*, and ever *entertaining*, and which will remain to be thought on *for ever*, and never to a *Satiety*, neither *here* nor *hereafter*. The impartial Enquiry into *my own Nature*, which I have made

made mention of, gave me the *first* Taste of them, and neither the *Pleasures* nor the *Difficulties* I have gone through, since, have made me lose the *relish* of them. That *Enquiry* begot in me, (as indeed I believe a *serious* one would in any Man,) a great *Sense* of the *difference* there was in *Things*. Of the *Nothingness* and *Vanity* of human Life, and all its glorious *Appendages* of *Riches*, *Honour*, and *Pleasure*. What can be *truly* great and *valuable* that is to have an *End*? Or with what *Reason* can we *pride* our selves in that *Grandeur* which has *only* the *Imperfections* of our *Nature*, for its *Basis*? With what *different* *Concern* ought we to look on that, which will *never* have an *End*, and on that which will, not only, *have* an *End*, but which we are *sure* of enjoying—not a *Moment*?

My Lord, had I *earlier* carried my *Enquiries* into *Revealed Religion*, and had not stop'd short, as I have mention'd I did, as I have *Reason* to think the same *Impartiality* and *desire* of discovering the *Truth*, with which, God knows, my *Mind* has been *gilded* in the *later Researches* it has made into *Christianity*, would have produced the same *Conclusions* it has, I should, in all probability, *then*, have made *Choice* of the same *Profession* which I have *now* chosen, to be of *Use* to Mankind in. But, as *past Time* cannot be *recall'd*, so I hope the *Observation* I have made of the perfect *Vanity* of human Life, (in the many and different
Scenes

Scenes I have seen of it, and which have not pass *unattentively* before my Eyes) will be of some Advantage to me, and that I shall not have reason to think that *all* that extraordinary Time I have spent *out* of my Profession has been entirely lost, when I am once *in* it. I think my self very happy in all the *Disappointments* I have met with, while they have so happily concur'd to the bringing me into a manner of passing the Residue of my *Life*, so perfectly agreeable to my Inclination, in the most *Satisfactory*, as well as most *rational* Manner. And am only sorry that the *Impatience* I had of being some way or other *Useful* to the World, should have made me give your *Lordship*, or any other *Person*, the least Uneasiness; for which I very sincerely ask your *Publick Pardon*. We know very little what is for our Good, and are very often, by an unaccountable Train of Accidents, driven into a Scene of Happiness, which all our reflective Wisdom could never bring us to. This has been my Case, and I very sincerely thank God for it.

In the frequent Surveys I have taken of *humane Life*, I have often consider'd, more particularly, what a wise Man should propose to himself in *living*. This I saw neither was, nor could be ought else than to serve some *necessary End*, for the Relief of the *natural Wants* of Mankind, or for bettering their Condition; and I know no Occupation wherein I could have been employ'd,

ploy'd, *with Safety*, to myself, better, where this End was answered, than in *this*, in Question. Tho' I had this End chiefly before me in the *civil Life* I had chosen, yet I was not insensible what *Difficulties* I should have to struggle with, if I would preserve, what I ever had a great Desire of doing, 'The Character, and the Conscience of an 'honest Man.' Tho' it be my Opinion, that *Political Matters* are of a *problematical* nature, and will admit of a very large Construction, yet I was not insensible, that in the Progress of one's Fortune, such *Temptations* might be thrown in a Man's Way, as might be too strong for his Resolution, and make him become a *Rogue*; for which I think nothing can pay a Man. Not to mention the *State of Freedom*, I shall in the Way I have chosen be in, instead of the unavoidable *State of Dependency*, I must, in general, have been in, the *other Way*.

I mention this, my Lord, because I would not have you think, I am exchanging one *State of Vassalage* for another. I shall, I humbly assure you, neither tease your Lordship nor any other Person to heap *Living* upon *Living*, or *Preferment* upon *Preferment*, on me. Not that I am ignorant, what a comfortable Use may be made of a little *Fortune*, if one had it, in any way of Life. But at the same time as I shall not refuse it, nor, I hope make an ill Use of it, if it falls in my way, and shall not be idle in adorning myself

with all the Accomplishments I can ; I hope I shall always be of the same Opinion I am of at present, with respect to it, never intemperately or unworthily to be solicitous about it. I shall endeavour faithfully to discharge the Duty of the Post where the Providence of God shall place me, by doing my best to make those committed to my Care *wiser*, and *happier*, by *Example* as well as Precept ; waiting patiently till the same good Providence gives me Means to make *even Accounts* with *myself*, or with those *Friends* who have so highly obliged me, and who, had I had, (what I can very *conscienciously* now call, my Mind is so much alter'd, *the misfortune* of) the *open* espousal of your Lordships *Protection*, when you came into that high Employment, you so worthily adorn, *would* have stuck at nothing, that was necessary for my Advancement under it.

Thus, my Lord, have I done what every wise Man would do on a less important Occasion, *ballanc'd*, I mean, my *Accounts* with the *World*, which have hitherto been in a pretty *confus'd* Condition. In stating which, if I shall be thought to have had any *particular View* to my own Character, I hope that will be pardoned me, for the Sake of the *Reasonableness* there was in *having* it. I am now to begin a *new Reckoning* with the World, and am resolv'd, by the Help of God, not to die in its *Debt*.

I beg leave to add one Word more, in relation to a *Case* of a Gentleman to which *my own* bears a great Resemblance, in point of *Circumstance*, tho' I shall never think I shall rival him in *Merit*. And that is of Dr. *Donne*. Who, being bred at the *University*, and in the *Inns of Court*, and having travelled, had the Protection of the Lord Chancellour *Ellesmere*, &c. and was a Man of as great *Vivacity* as myself, after his Fortunes had stood long at a *Bay*, at last took *Orders*, five Years older than I am, and died, *what* (or the like) I as little desire, as I am sensible I shall ever deserve to be, *Dean* of *St. Paul's*.

My Lord,

I shall conclude this long Address with a *sincere Prayer* to God, (and *which* I now make in *Character*) That as your Lordships *Eminent Virtues* have raised you to the highest *civil Dignity* a Subject is capable of in your Country, on Earth, that you may long enjoy it, to be a *Blessing* to it ; and that you may in a *late*, very late Old Age, with full Peace and Comfort end your Days. And that your *Divine Virtues* may raise you, when this *transitory Scene* is ended, to as distinguish'd a Station in Heaven, among such as are *reserv'd* for all *those*, and for *them* only, who, in whatsoever Rank and Condition they may have pass'd their

(164.)

their Lives here, have, by a patient continu-
ance in well-doing, sought for Glory, Ho-
nour and Immortality. With this most sin-
cere Prayer, I most humbly subscribe my-
self,

My LORD,

Your Lordships, &c. &c. &c.



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A Letter to a *Bench*er of the *Inner-Tem-
ple*, from a *Student* of the same House.
Writ in the Year 1713.

*Quid Sumus, & quidnam Victuri gignimur, ORDO
Quid datus, —————*

*—————Quem Te DEUS esse
Iussit, & humana, qua parte locatus es in Re,
Disce: —————*

Sold by *J. Lacy* at *Temple-Barr*, *E. Jackson*
near *St. James's*, and *J. Debarry* in *St.
Martin's-Lane*.